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Searching for a Better World Order: Deliberative Democratic Theory and Global Governance

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Searching for a Better World Order:
Deliberative Democratic Theory and Global Governance

by

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Searching for a Better World Order:
Deliberative Democratic Theory and Global Governance
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by the signatories, and we find that both the content
and the form meet acceptable presentation standards
of scholarly work in Political Science.

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Searching for a Better World Order: Deliberative Democratic Theory
and Global Governance

Thesis directed by Associate Professor David R. Mapel

In response to transnational crises of terrorism, poverty, environment and war, scholars have become increasingly interested in how democratic global governance might be brought to bear on the anarchical international system. Surprisingly, however, the literature on global governance has largely ignored the recent “deliberative turn” in democratic political theory. Nevertheless, there have been a few systematic attempts at bringing together these two literatures. Unfortunately, these attempts have given contradictory advice, advocating different political spaces from which to anchor deliberative and democratic global governance. This dissertation tries to sort through the disagreements to provide philosophical clarification and direction to this incipient scholarly union. I argue that rather than building theories around one particular venue of governance, deliberative democrats need to figure out how states, global civil society, and international governmental organizations (IGOs) can work together to mutually buttress a deliberative and democratic global order. I further contend that while scholars of deliberative democracy have done a good job of showing how states and civil society could become more deeply democratic, they have not paid satisfactory attention to the democratic potential of IGOs. I end the dissertation by showing why IGOs ought to move towards deliberative and democratic ideals, illustrating my position with specific suggestions for reforming the U. N. Security Council.

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I must start out by thanking my family. Their love, prayer and encouragement were mine in my times of insecurity and doubt. I am also deeply indebted to my friends. Without their conversation, companionship and laughter, my graduate school experience would have been poorer in many ways. I thank Michaela Ferguson, Roland Paris, Colin Duck and Simone Chambers for serving on my dissertation committee and for their helpful suggestions. I am further indebted to Colin for his advice, friendship and impromptu history lessons. Simone also deserves special thanks, as it was her class that inspired the research question of this dissertation. Finally, I need to acknowledge that without my advisor, David Mapel, this project would never have come to fruition. Not only did David carefully edit multiple drafts of each chapter, but he went out of his way to make the trials of graduate school as painless as possible, and was simply a great teacher. Any ideas worth considering in this dissertation are a result of his support and guidance.

Dedicated to my parents,

Art and Linda Stock

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deepen democratic governance. Indeed, democratic political theory has taken such a "deliberative turn" that it is now to encounter a serious enquiry into democratic legitimacy. It will have to take into account the discourse and deliberation within and around political institutions.²

Although the scholarship of global governance and deliberative democracy have grown considerably, the implications of the their union has received little philosophic attention. As Chambers notes, "There does appear to be a growing discussion of transnational governance in general, even if it is not informed by

²Some scholars use "governance" to mean order that is achieved through both governmental and non-governmental institutions and practices. Others limit "governance" to the non-governmental sphere. In this dissertation I use the former understanding of governance.

³John Dryzek, 2000, *Deliberative Democracy and Beyond: Liberals, Critics, Conversations*. Oxford: Oxford University Press, p. 1.

Chapter 1

Introduction

Many speak of world peace, yet relatively few systematically search for it. Historically, political theorists and philosophers have been no exception, addressing their ideas of justice to domestic rather than to the global order. But faced with international crises of health, security, population, poverty, and environment, political thinkers are increasingly exploring how better global governance might be achieved.¹ At the same time as scholarly interest in global governance has increased, so too has scholarly interest in how the quality and amount of discourse and deliberation can deepen democratic governance. Indeed, democratic political theory has taken such a "deliberative turn" that it is rare to encounter a serious enquiry into democratic legitimacy that fails to take into account the discourse and deliberation within and around political institutions.²

Although the scholarship of global governance and deliberative democracy have grown simultaneously, the implications of their union has received little philosophic attention. As Chambers notes, "There does appear to be a growing discussion of transnational governance in general, even if it is not informed by

¹Some scholars use "governance" to mean order that is achieved through both governmental and non-governmental institutions and practices. Others limit "governance" to the non-governmental sphere. In this dissertation I use the former understanding of governance.

²John Dryzek. 2000. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press, p. 1.

deliberative democratic theory in particular.”³ This is surprising, as there is nothing intrinsic in deliberative democratic theory that would preclude its scope from extending into the global. This is not to say that deliberative democrats are unaware that the world is becoming increasingly globalized, however. Certainly the effects of globalization (especially the economic effects) are commonly referenced in many works of deliberative democracy. Unfortunately, awareness of globalization has not led to the proliferation of careful and systematic scholarship on how the ideas and ideals of deliberative democracy might inform pursuits of democratic global governance.

Although the intersection of deliberative democracy and global governance has not received as much attention as one might expect, there have been impressive forays into the implications of their union. Dennis Thompson, John Dryzek, and David Held, for example, all put forward well developed theories of global governance which incorporate insights from the literature of deliberative democracy. As each of their theories focuses on a different, and indeed critical, venue of global governance (the state, global civil society, and international governmental organizations, respectively), careful analysis of their ideas is of urgent need as scholars try to find democratic ways of providing global order.⁴ In this dissertation I

³Simone Chambers. 2003. Deliberative Democratic Theory, *Annual Review of Political Science* 6: 307-26.

⁴James Bohman is another deliberative democrat who has tried to apply deliberative democracy to global governance. My dissertation does not critically analyze his works for two reasons. First, there is overlap between his ideas and John Dryzek's, in that both advocate a strong global civil society. Second, and more

will undertake such an analysis in the hope of shedding light on how deliberative democracy can be profitably applied to each of the three venues of governance; moreover, by dissertation's end I hope to have shown how states, global civil society, and international governmental organizations (IGOs) can work together to provide deliberative and democratic global governance.⁵

DELIBERATIVE DEMOCRACY

Before I foreshadow the issues and arguments that are to come in the chapters that follow, I want to give the reader a brief overview of what exactly deliberative democratic theory is. There are a number of review articles and books which do an excellent job detailing the differences between theories of deliberative democracy.⁶

For the purposes of this dissertation, it will be sufficient to simply make the reader

importantly, in my evaluation Bohman fails to seriously address many of the important and complex issues of global governance, thus I simply do not have much to say about his ideas on the global public sphere other than I agree that a strong public sphere would indeed be helpful to global governance. See James Bohman. 1999. The Globalization of the Public Sphere: Cosmopolitan Publicity and the Problem of Cultural Pluralism, *Philosophy and Social Criticism*. 24: 199-216.

⁵IGOs are international political institutions in which members are nation-states. Some examples of IGOs are the United Nations, the European Union, OPEC, the World Bank, and the Organization of American States. NGOs (sometimes abbreviated as INGOs) are international institutions, such as Amnesty International and the Nature Conservancy, that have members that are not official representatives of nation-states.

⁶See, for example, Samuel Freeman. 2000. Deliberative Democracy: A Sympathetic Comment *Philosophy and Public Affairs*. 29 (4): 370-418; James Bohman and William Rehg. 1997. *Deliberative Democracy: Essays on Reason and Politics*. Cambridge: MIT Press; John Elster, ed. 1998. *Deliberative Democracy*. Cambridge: Cambridge University Press; and Chambers 2003.

aware of the reasons that are generally given for supporting deliberative conceptions of democracy, as the scholarship on the union of deliberative democracy and global governance is in such an early stage of development that fine-tuned distinctions will rarely come into play. That said, it will be necessary to address the nuances of the deliberative democracy theories that my dissertation will critically analyze.

Nevertheless, in order to avoid unnecessary complication at this point, I will bracket those discussions until later chapters when Thompson's, Dryzek's, and Held's understandings of deliberative democracy can be placed in the context of their theories of global governance.

At the core of most theories of deliberative democracy is the belief that meaningful discourse and deliberation in the public sphere, civil society, and in democratic political institutions ought to be facilitated as often and as fairly possible.⁷ The underlying support for this belief generally comes from three, not entirely distinct, foundations: Habermasian discourse theory, Millian arguments touting the contestation of ideas, and Rousseauian ideas of political legitimacy.⁸ I will look briefly at each of these foundations, as doing so will not only explain why scholars are attracted to deliberative democracy, but will also shed light on the goals of

⁷See Jurgen Habermas. 1981. *Theory of Communicative Action*. Transl. Thomas McCarthy. Boston: Beacon Press; Simone Chambers. 1996. *Reasonable Democracy: Jurgen Habermas and the Politics of Discourse*. Ithaca: Cornell University Press; Amy Gutman and Dennis Thompson. 1996. *Democracy and Disagreement: Why Moral Conflict Cannot Be Avoided in Politics and What Should Be Done*. Cambridge: MIT Press; Carlos Santiago Nino. 1996. *The Constitution of Deliberative Democracy*. New Haven: Yale University Press.

⁸Freeman 2000.

deliberative democracy.

Habermasian discourse theory holds that in order to be justifiably confident of the “truth” or “justice” of a political outcome (a law or a policy), it must be the result of a fair deliberation. In order for a deliberation to be fair, it must fulfill two basic requirements. First, the deliberation should allow for the equal participation by those affected.⁹ And second, participants in the deliberation must attempt to approximate an “ideal communication community” or “the equivalent concept of the ‘ideal speech situation.’”¹⁰ This requires that participants be willing to abstract themselves from “the unequal distribution of attention, competences, and knowledge within a public” and to ignore personal “attitudes and motives at cross-purposes to the orientation to mutual understanding.” Thus, participants in a fair deliberation do their best to ignore or avoid “egocentrism, weakness of will, irrationality, and self-deception.”¹¹ In short, if participants in deliberation have the right mind set (and are protected from outside distractions and non-ideal forces) then the better argument will carry the day.

For Habermas, and those deliberative democrats who follow his lead, the “better argument” can only (or at least most reliably) come forward in actual deliberations with real people. This is because only through actual deliberation can

⁹Jurgen Habermas. 1997. Popular Sovereignty as Procedure. *Deliberative Democracy: Essays on Reason and Politics*. Eds. Bohman and Rehg. Cambridge: Cambridge University Press.

¹⁰Jurgen Habermas. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Politics*. Trans. William Rehg. Cambridge: MIT Press, p. 322.

¹¹Ibid. p., 325.

“the counterfactual presuppositions assumed by participants in argumentation. . . all open up a perspective allowing them to go beyond local practices of justification and to transcend the provincality of their spatiotemporal contexts that are inescapable in action and experience.”¹² This means, in contradistinction to Rawls, the philosopher cannot simply place his thoughts behind “a veil of ignorance” to deduce the most justified political conclusion, as the philosopher could never “transcend the provincality” of his “spatiotemporal context” in the absence of actual discourse within a real communication community.¹³ Although ideal discourse can never be fully realized in our less than ideal world, according to Habermas’s theory of discourse, approximating fair deliberation is the most reliable method of discerning political truth and justice.¹⁴

Closely related to Habermas’s epistemic support for deliberative democracy are Millian arguments in support of deliberative democracy.¹⁵ In *On Liberty*, John Stuart Mill argues that speech from all viewpoints should be encouraged. Even in the rare case when a belief is entirely false, voicing that belief still has salutary effects on the community.¹⁶ And if voicing false opinions is salutary, then expressing all range of opinions should be encouraged. Similarly, some deliberative democrats

¹²Ibid. p. 323.

¹³Ibid.

¹⁴See Nino 1996, p. 124.

¹⁵Freeman, 2000, pp. 383-84.

¹⁶John Stuart Mill. 1975. *On Liberty*. New York: Norton, p. 18.

contend that deliberative democracy ought to be preferred because it encourages all types of "political talk" – and when multiple perspectives are voiced, relevant information is more likely to inform political discourses, and flawed reasoning can be exposed and avoided, increasing the quality and reliability of legislative outcomes.¹⁷ Moreover, having partisans argue their positions in public fora encourages them to frame their arguments in terms of the common good, as they attempt to persuade their opponents and the undecided audience. Framing arguments in terms of the common good not only serves to persuade the audience, but may also ideologically move the advocate herself closer to her communication community's general interests, and away from her, or her group's, particular interests, which is generally considered to be a positive change.¹⁸

The third foundation commonly encountered in the literature of deliberative democracy is a Rousseauian conception of political legitimacy.¹⁹ Rousseau thought that in order for government to be legitimate, the creation of the laws must be generated from the governed; otherwise Man, born to be free, would remain

¹⁷See Philip Pettit. 1997. *Republicanism*. Oxford: Oxford University Press, pp. 277-79, 189, 192, cited in Freeman 2000, p. 383.

¹⁸Chambers documents this affect in the language debates of Quebec. See Chambers 1996, pp. 212-227; see also John Elster. 1997. The Market and the Forum: Three Varieties of Political Theory. In *Deliberative Democracy: Essays on Reason and Politics*. Eds. Bohman and Rehg. Cambridge: Cambridge University Press, pp. 3-33.

¹⁹Freeman 2000.

“everywhere in chains.”²⁰ Drawing on Rousseau’s idea of citizens being free when ruled by laws of their own creation, proponents of deliberative democracy advocate “talk-centric” political frameworks, as those affected by laws and policies have greater input into their creation than they would under less discursive forms of governance.²¹ Although only a small minority of citizens actually participate in the creation of and the voting on legislation, citizens can affect outcomes by voicing their perspectives and ideas in the public sphere.²² The public sphere discourse (especially when a consensus forms) pressures legislators to justify their decisions with *reasons* that address the concerns and conclusions reached by citizens in the public sphere. Furthermore, citizens indirectly influence the creation of laws by selecting their governmental representatives. Elections not only give citizens a choice of who will create the laws they are to live under, but the shadow of re-election forces legislators to engage citizens in public sphere discourse.²³ Thus, because deliberative democracy allows for, indeed encourages, those affected by political decisions to directly and indirectly participate in the creation of laws, deliberative democracy is held to be a

²⁰Jean-Jacques Rousseau. 1968. *The Social Contract*. London: Penguin Books, p. 49.

²¹Joshua Cohen. 1989. Deliberation and Democratic Legitimacy. In *The Good Polity: Normative Analysis of the State*. Eds. Alan Hamlin and Philip Petit. Oxford: Basil Blackwell, pp. 17-34; Bernard Manin, 1987. On Legitimacy and Political Deliberation. *Political Theory*. 15: 338-68; Gutman and Thompson 1996.

²²Bohman 1999; John Dryzek. 2001. Legitimacy and Economy in Deliberative Democracy. *Political Theory*. 29 (5): 651-669.

²³Nadia Urbinati. 2000. Representation as Advocacy: A Study of Democratic Deliberation. *Political Theory*. 28 (6): 758-786.

justifiable method of political decision-making.²⁴

Regardless of whether a theorist bases her advocacy of deliberative democracy on a Habermassian, Millian, or a Rousseauian foundation (or some combination of the three), most would agree that a deliberative democratic society should seek to fulfill some basic goals. In an informative and wonderfully concise distillation of the major works of deliberative democracy, Samuel Freeman summarizes the generally accepted goals of deliberative democracy as follows:

Conceived as an ideal of political relations, a deliberative democracy is one in which political agents or their representatives (a) aim to collectively deliberate and vote (b) their sincere and informed judgments regarding (c) measures conducive to the common good of citizens. (d) Political agents are seen and see one another as democratic citizens who are politically free and equal participants in civic life. (e) A background of constitutional rights and all-purpose social means enable citizens to take advantage of their opportunities to participate in public life. (f) Citizens are individually free in that they have their own freely determined conceptions of the good, and these conceptions are publicly seen as legitimate even though they are independent of political purposes. Moreover, (g) free citizens have diverse and incongruous conceptions of the good, which are constitutionally protected by basic rights. Because of this diversity (h) citizens recognize a duty in their public political deliberations to cite public reasons--considerations that all reasonable citizens can accept in their capacity as democratic citizens--and to avoid public argument on the basis of reasons peculiar to their particular moral, religious, and philosophical views and incompatible with public reason. (i) What makes these reasons public is that they are related to and in some way advance the common interests of citizens. (j) Primary among the common interests of citizens are their freedom, independence, and equal civic status.²⁵

Certainly individual deliberative democratic theorists may disagree with one or more of the above elements, but for the purposes of giving a concise overview of the major

²⁴Dryzek 2001, pp. 657-69.

²⁵Freeman 2000, p.382.

themes of deliberative democracy, Freeman's synopsis is helpful.

In this dissertation, I am interested in looking broadly at how ideas of deliberative democracy might guide our pursuit of democratic global governance. Of course, I do not presume that discourse and deliberation are the only important elements of democratic global governance. Rather, I go into this project assuming that institutional history, power, economics and other variables are of profound importance to our evaluation of the depth of democracy and must be taken into account.

Moreover, when judging a venue of global governance to be democratic or undemocratic, there are three key considerations that ought to inform our determinations. First, we should consider decision-making procedures, as it would be difficult to conclude that an outcome is democratic if it was decided in a patently undemocratic manner. Second, we should consider whether participation is coerced. Even if a venue of global governance has perfectly democratic procedures, it would be problematic to judge it democratic if its discourse and votes are a reflection of threats and coercion rather than genuine conviction and choice. And third, we must consider whether there is reason to believe that political outcomes represent fairly the will of the relevant demos. After all, if there is little reason to believe that a venue of global governance is representative of the relevant demos, then there would be little reason to attribute to it democratic authority. When judging a venue of global governance to be democratic or undemocratic, scholars are often imprecise as to which of the above three elements are driving their conclusions. In this dissertation, I

will try to be as clear as possible as to which of the three considerations is informing our judgements.²⁶

DELIBERATIVE DEMOCRACY AND GLOBAL GOVERNANCE

Deliberative democrats have spilt much ink working through what deliberative democracy requires of domestic governance.²⁷ Unfortunately, how deliberative democracy could be applied to international relations and global governance has received only limited attention. Nonetheless, a handful of political philosophers have tried to think through what deliberative democracy might offer and require of global governance. In an important work on cosmopolitan society, David Held calls for local, regional and global layers of deliberative and democratic governance.²⁸ But others have not found his answers to some of the more complicated questions of global democracy persuasive. Dennis Thompson, for example, thinks that Held's theory runs into a major problem. Thompson contends that multiple layers of governance will actually decrease citizen influence, as international institutions are further removed from citizen control than are domestic

²⁶Judging an institution or scheme of governance to be democratically legitimate does not mean that there is no need to deepen the democratic nature of its governance. Even in those venues of governance we consider to be our most democratic, there is certainly plenty of room for improvement.

²⁷As mentioned, if their theories do not explicitly limit themselves to the domestic, then it is generally implicit.

²⁸David Held. 1995. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Stanford: Stanford University Press.

institutions. Thompson concludes that “for the foreseeable future the power exercised by states (and their sub-governmental units) is likely to be more legitimate (more justifiable to the persons bound by them) than that exercised by other institutions.”²⁹

Thompson indeed recognizes the utility of deliberative democracy in solving increasingly troubling international problems, but for Thompson nation-states are the significant loci of global governance and his prescription for a just world order is to make certain that states, rather than international institutions, are deliberatively and democratically just. Although Thompson has considered both the international system and deliberative theory, his cursory discussion of IGOs may be problematic, as he explores states as they could be but only considers at IGOs as they are.³⁰ Furthermore, Thompson does not seem to consider that even in a system of deliberatively just states, many problems might be better handled at the international level of governance.

In contrast to Thompson, John Dryzek applies the precepts of deliberative democracy to the international level of governance.³¹ Dryzek contends that IGOs are

²⁹Dennis Thompson. 1999. Democratic Theory and Global Society. *The Journal of Political Philosophy*. 7: 111-125, at p. 118.

³⁰Thompson also conceives the relationship between local, state, and international institutions as more distinct and hierarchical than it actually is. For an informative discussion of the horizontal and “leaky” relationship between layers of democracy, as opposed the vertical and “determined” relationship, see S.L. Hurley. 1999. Rationality, Democracy and Leaky Boundaries: Vertical vs. Horizontal Modularity. *The Journal of Political Philosophy*. 7: 126-146.

³¹John Dryzek. 1999. Transnational Democracy. *The Journal of Political Philosophy*. 7: 30-51.

neither democratic nor profitably discursive and hence focuses our attention on the discourse of international non-governmental organizations (NGOs), which tend to have grassroots foundations. But Dryzek's assertion that IGOs are less democratic than NGOs may not be entirely convincing, as Dryzek never seems to explain why international organizations and other elements of global civil society that spring from the grassroots have more democratic legitimacy than formal governmental institutions. Do not many domestic grassroots interest groups fail to represent the people as a whole, or even a majority? Furthermore, many grassroots NGOs oppose each other with contradictory advice.³² How would we decide which grassroots participants in global civil society ought to be our democratic touchstones? Certainly Dryzek is correct that democratic global governance needs a strong global civil society to keep a watchful eye on formal governmental institutions and to generate ideas on how best to go about global governance, but these other questions would need to be answered before we could rely on global civil society to anchor democratic global governance.

Thompson and Dryzek, are each persuasive in advocating his preferred method of democratic global governance. Nonetheless, without satisfactory justification, both pay little attention to the justice, power, and the democratic potential of IGO governance, yet each believes his theory sufficient to solve

complicated global problems. Are they correct? If not, would theorists of

³²Paul Wapner. 1997. Governance in Global Civil Society. In Oran Young, ed. *Global Governance: Insights From the Environmental Experience*. Cambridge: MIT Press.

deliberative democracy be compelled to accept Held's advocacy of cosmopolitan IGOs? Or, is it possible to incorporate IGOs into a theory of deliberative and democratic global governance without embracing the cosmopolitanism which Held advocates? This dissertation will take a careful look at Thompson's, Dryzek's, and Held's theories in order to answer these questions in the hope of providing guidance to future deliberative democratic scholarship. Because the divisions between these three scholars are often rooted in their understandings of IGO governance, I will pay special attention to how their ideas speak to the deliberative and democratic legitimacy and the governance potential of IGOs.

THE DISSERTATION

The international system is not governed by a world state. Most political theorists and philosophers think the rise of a world state is not just unlikely, but that the dangers presented by it, such as the possibility of universal tyranny, make it unwanted. This leaves the political theorist with international anarchy. Scholars have persuasively argued that even under anarchy, there is still space for significant levels of international cooperation and governance, however.³³ As Wendt famously put it,

³³See Robert Keohane. 2001. Governance in a Partially Globalized World: Presidential Address, American Political Science Association, 2000. *American Political Science Review*. 95 (1): 1-13; Robert Keohane. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press; Dryzek 1999; Held 1995; Alexander Wendt. 1999. *Social Theory of International Politics*. Cambridge: Cambridge University Press.

“anarchy is what states make of it.”³⁴ If this is at all plausible, then we ought to ask ourselves how exactly deliberative democracy can contribute to our search for justifiable global governance. In short, my dissertation will seek to understand whether and how citizens and states can make of the international system a type of “deliberative anarchy.”

In this chapter I have given background to the scholarship of deliberative democracy and its relationship to global governance. In chapter two I will carefully examine Dennis Thompson’s ideas of democratic global governance. Specifically, I will look at Thompson’s contention that we should continue to focus on ways of improving the state, rather than the international, level of deliberative democracy to improve global order. Thompson attacks IGO governance on two fronts. First, IGOs lack democratic legitimacy. Thompson contends that because IGOs are further removed from citizen control, and because they create overlapping authorities, IGOs do not have the democratic legitimacy to authoritatively address global problems. And second, even if IGOs were legitimate, they are not powerful enough to provide effective governance. Drawing on the basic tenets of deliberative democracy and international relations theory, I will critically examine both positions. After addressing these two concerns, I will then look at the positive insights Thompson has put forward as to how democratic states should be reformed to better handle transnational problems, and how reformed deliberative states could more legitimately

³⁴Alexander Wendt. 1992. Anarchy is What States Make of It: The Social Construction of Power Politics. *International Organization*. 88 (2): 391-425.

represent their “moral constituents,” who often live beyond domestic borders.

In the third chapter I will look at John Dryzek’s contention that global civil society, through the creation of “discourse networks,” is best positioned to provide legitimate global governance. There are two main issues that need to be considered. First, Dryzek argues that powerful IGOs are hopelessly undemocratic. Commenting on IGOs, Dryzek asserts “at best, this is democracy at one remove, piggybacking on any degree of democracy present in the states involved.”³⁵ Is he correct? In order to assess Dryzek’s claim, I will build on the discussion of IGO legitimacy from chapter two, and add to it a more careful inquiry into the requirements of deliberative and democratic legitimacy as it relates to IGO governance. Second, I will take a careful look at whether the “discourse networks” Dryzek proposes could indeed provide the depth of global governance that he claims. Even though I believe Dryzek’s account of democratic global governance has problems that need to be taken into account, his insights into the role that global civil society could potentially play are important and I will end the chapter with an evaluation of which of Dryzek’s ideas ought to be dismissed and which ought to be embraced.

In the fourth chapter I will critically analyze David Held’s theory of cosmopolitan democracy. There are three basic questions that I will try to answer. First, could IGOs provide the amount of governance Held believes they capable of? Second, is Held providing a model for our world, or is he speaking of a problematically idealized world that has little resemblance to our own? And if

³⁵Dryzek 1999, p.30.

Held's theory is problematically idealized, are there positive insights that might yet be retained, even if they are not the ones that Held intended? And third, is Held persuasive in his advocacy of cosmopolitan, rather than state-centric, IGOs? In answering these questions, we should gain clearer insight into the role IGOs ought to play in deliberative democratic global governance, and into whether IGOs should play that role as *international* institutions or *cosmopolitan* institutions.

At the completion of chapter four I will have looked at what I believe are the three most important venues of governance (states, global civil society, and IGOs) from which deliberative democrats should anchor their theories of global order. Throughout chapters two, three and four, I will have argued that parts of each theory should be dismissed, while other aspects give helpful insights into democratic global governance. In chapter five, I will conclude the dissertation by showing how the positive aspects from each theory can be combined to provide a more compelling framework of deliberative and democratic global governance. But, I will argue, simply combining the theories is not sufficient, as not enough theoretical work has been done on how deliberative democracy could improve IGO governance. I will then outline reasons to believe that making IGOs more deliberative would improve their democratic legitimacy and their ability to govern. I will end my dissertation by illustrating the types of deliberative and democratic changes that IGOs should make by suggesting specific reforms for the UN Security Council.

Chapter 2

On Dennis Thompson's State-Level Approach to Global Governance

In this chapter, I will examine Dennis Thompson's contention that we ought to look to domestic deliberative democracies, rather than to international governmental organizations (IGOs) or global civil society, to provide the bulk of global governance. Consideration of this position is important for three reasons. First, the nation-state is the traditional locus of political power. If making domestic states more deliberative and democratic is the primary solution to the problems of providing global governance, then there would not be a pressing need for deliberative democratic theorists to expand their theories significantly beyond their usual scope. Second, Thompson tries to bring the discourse of global governance back to the domestic state by arguing directly against "cosmopolitanism" (which advocates increased IGO governance) and "civil societarianism" (which is centered around the governance potential of discourse in global civil society). Thus, in determining whether domestic deliberative democracies should be expected to sufficiently solve global governance problems, I will also be able to reconsider other potential venues of global governance, in light of Thompson's ideas and criticisms. And finally, an answer to the question of whether supranational solutions to global governance are flawed and/or illegitimate, as Thompson believes, is politically relevant. Today, many assume that IGOs such as the World Bank and the World Trade Organization (WTO) are illegitimate, and some even take to the streets in protest. If Thompson is right,

then maybe we too ought to be actively resisting IGOs' illegitimate encroachments on state sovereignty.

THOMPSON'S LIBERAL RIGHTS CRITIQUE OF COSMOPOLITANISM

Thompson defines the cosmopolitans as those democratic theorists who “inspired by the universalist aspirations of Enlightenment philosophers like Kant. . . pin their hopes on strengthening regional and international forums in order both to protect liberal rights and to enhance democratic decision-making.”¹ He thinks cosmopolitanism's vision is compelling on its face but upon further consideration deeply problematical: “As a guiding conception for democratic theory, cosmopolitanism has serious defects both in its liberalism and in its democracy, and therefore in the way that it combines them.”² Thompson believes cosmopolitanism's vision is *prima facie* compelling because when we think of liberal rights being protected by international organizations, we are likely to envision extra layers of protection for non-controversial rights – such as negative rights against rape and torture or positive rights to health and education.³ But, according to Thompson, once put into practice, this simple vision proves misleading.

The first problem is that the rights most steadfastly promoted and protected by IGOs (which play the central role in cosmopolitan theories) are *economic* rights

¹Thompson 1999, p 114.

²Ibid.

³Ibid.

embodied in free markets, and “in the absence of any political authority to limit these rights when they threaten to undermine other liberal rights, economic liberalism is likely to dominate, even more than it does in domestic contexts.”⁴ Cosmopolitan theorists do call for political authorities to regulate international capital exchanges and investment, however.⁵ Thus, Thompson must be saying that if implemented, cosmopolitan strategies would likely fail to control globalizing economic pressures. But even if IGOs do tend to foster rather than limit economic liberalism, Thompson has not given reasons to believe that economic rights will often, or at least more than just occasionally, undermine the protection of other liberal rights.⁶ Empirical studies suggest otherwise.

In the early 1990s, for example, there was much speculation concerning a “race to the welfare bottom.”⁷ The common wisdom was that with the growth of free markets along with increased capital and corporate mobility, states would no longer be able *simultaneously* to provide robust welfare rights (extensive child care, health care, education, and social security) while maintaining a healthy, growing economy,

⁴Ibid.

⁵David Held, for example, wants transnational economic activities to be accountable to parliaments and assemblies at the regional and global levels; Held 1995, p. 279.

⁶Many cosmopolitans and civil societarians make the same unsubstantiated assumption.

⁷See David Andrews. 1994. Capital Mobility and State Autonomy. *International Studies Quarterly*. 38: 193-216; Phillip Cerney. 1990. *The Changing Architecture of Politics*. London: Sage.

as states with robust welfare rights have to extract higher rents from corporations (and their resident executives) than the corporations (and their executives) are apt to tolerate.⁸ In the face of such rents, corporations, investment, and other capital resources would relocate to states with fewer welfare benefits and lower rents, leaving robust welfare states high and dry, economically speaking. Knowing their economic destiny, states would be forced to drastically scale back their social welfare provisions.⁹ However, the most recent and rigorous studies looking for this expected effect have concluded that despite anecdotal evidence to the contrary, there is no statistical reason to believe that states are engaged in a “race to the welfare bottom.”¹⁰

Surprisingly, in his concluding discussion on the potential of states to control global economic pressures, Thompson appears to be aware that the race to the welfare bottom is not an inevitable consequence of globalization. Speaking of it, he says, “But it is easy to exaggerate the effects on the autonomy of domestic governments. . . . The most reliable recent studies show that the effects of international capital mobility are ‘contingent on the choices of national policymakers’ and their domestic institutions.”¹¹ But if Thompson recognizes that even in an economic world

⁸Ibid.

⁹Ibid.

¹⁰Geoffrey Garrett. 1998. Global Markets and National Politics: Collision Course or Virtuous Circle? *International Organization*. 52: 787-824; Andrew Sobel. 1994. *Domestic Choices, International Markets: Dismantling National Barriers and Liberalizing Securities*. Ann Arbor: University of Michigan Press.

¹¹Thompson 1999, p. 119.

characterized by free trade there is still significant policy space for domestic control and choice, how does it *necessarily* follow that IGO support of free trade will likely undermine the protection of other liberal rights?¹² Furthermore, Thompson never *directly* argues against the liberal preference for allowing the free flows of goods, services, and capital across borders. In fact, at one point he lumps economic freedoms in with other “liberal rights.”¹³ Thus it would seem that the facilitation of free trade, one of our liberal rights, actually ought to be a *prima facie* reason for supporting, rather than rejecting, IGOs.

In addition, the idea that most barriers to free trade represent the “will of the people,” or are in place for the benefit of the *demos*, is suspect. In *The Rise and Decline of Economic Powers*, Mancur Olson showed persuasively that barriers to free trade are neither a result of democratic will nor instituted for the benefit of the people as a whole.¹⁴ Rather, the presence of state trade barriers is primarily determined by the political strength of special interest groups (usually corporations) that have particular stakes in seeing trade barriers erected. The majority of the population, on the other hand, tend to have generalized interests in a strong economy and the cheaper goods that free trade facilitates.¹⁵ Again it seems that Thompson’s first argument

¹²Ibid., p. 114.

¹³Ibid.

¹⁴Mancur Olson. 1982. *The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities*. New Haven: Yale University Press.

¹⁵Ibid; Robert Reich. 1991. *The Work of Nations: Preparing Ourselves for 21st Century Capitalism*. New York: Knopf.

against cosmopolitanism – that the IGOs it promotes would foster increased free trade – might be a reason to lean towards its acceptance.

The second problem Thompson sees with having IGOs protect and promote liberal rights is that “as soon as we move beyond basic liberties recognized in international law and advocated by the human rights movement, internal conflicts break out within liberalism itself. The more communities or nations come under the dominion of liberal rights, the greater the likelihood of disagreement about what the rights should mean.”¹⁶ It is not the promotion of liberal rights that Thompson, a liberal, finds problematic; it is the conflict that ensues from *IGOs promoting liberal rights* that concerns him. First, according to Thompson, IGOs’ promotion of liberal rights will inevitably lead to “reasonable disagreement” about which rights should be protected. He uses the reunification of Germany as an example. When East and West Germany reunited, East Germany guaranteed the right to an abortion, while West Germany protected the right to life. The second problem is that even if there is agreement about which rights to protect and promote, “there may be reasonable disagreement about the scope of its application or about what needs to be provided.”¹⁷ To illustrate this point Thompson discusses the different interpretations by states as to what it means to provide acceptable levels of health care to its citizens.

It seems that with these two points Thompson is preparing to argue against cosmopolitanism on the grounds that it allows IGOs to enforce their will against the

¹⁶Thompson 1999, p.115.

¹⁷Ibid.

reasonable policies of democratic states. Although he will eventually argue against cosmopolitanism on democratic legitimacy grounds, that is not what he is contending at this point, however. Rather, Thompson is trying to show that cosmopolitan *liberalism* would implode if it were fully applied to the real world. But since he is taking this route, the whole of his argument can be distilled into a concise but toothless complaint: there will be reasonable disagreements between IGOs and states over what it means to protect and promote liberal rights.

There are four reasons why this is an unpersuasive critique of cosmopolitanism. First, Thompson never claims that these anticipated disagreements will lead to other, more pernicious, consequences. If he could show that disagreements between IGOs and states over the protection of liberal rights would lead to a decrease in their promotion, or to an increase of violence and war, then we would have reason to be worried. But Thompson has not shown that these or similarly troubling consequences follow from reasonable disagreements between IGOs and states.

Second, there is a fairly long history of IGOs interacting with states, yet Thompson illustrates his point with the *intra*-state example of abortion rights following German reunification. I take it the reason for this choice is that the kind of reasonable disagreement between a state and an IGO that we might find troubling does not often occur. In another passage, Thompson intimates that an IGO *could* try to limit health care provisions in Canada in order to illustrate how a cosmopolitan world order might interfere with a state's reasonable interpretation of a basic right to

health. But even if an IGO, say NAFTA or the UN, concluded that Canada's health care system were overly robust, it is hard to imagine that such an IGO would be concerned enough with such "over-protection" to try to impose its will. Of course, if Canada were providing no health care to its citizens, then we could readily imagine that an IGO might try to step in. Yet Thompson has already said that minimal health care is a basic liberty; thus, this would not be an example of the "reasonable disagreement" that he has in mind.¹⁸

We could shave the hypothetical closer and suppose that Canada provides some health care and it *reasonably believes* that it has met its health care obligations, while the governing IGO also *reasonably believes* that Canada ought to provide more. Now we have the sort of conflict that Thompson seems to have in mind. Let us suppose further that the IGO actually has the power to pressure compliance and Canada is "forced" to provide more health care.¹⁹ This leads us to the third weakness in Thompson's argument: even if we concede that IGOs will compel states to change their reasonable beliefs on how to secure basic rights, based on *liberal* criteria, there is no problem. Yes, Canada is compelled to provide more health care than it would prefer, but given that the level of health care that the IGO is requiring is also a *reasonable interpretation* of the liberal right in question, then cosmopolitan liberalism does not implode, as the state is providing health care somewhere within

¹⁸Ibid., pp. 114-15.

¹⁹Membership in IGOs is generally voluntary, and given that Canada could withdraw from participation, "forced" is probably too strong a word (although, most likely Thompson would not think so).

the boundaries of what liberalism requires.

This is similar to the result in *Donato Casagrande v. Landershaupstadt Munchen*, a European Court of Justice case that troubles Thompson.²⁰ The Casagrandes moved from Italy to work in Germany as migrant laborers. Some time after living and working in Germany, Mr. Casagrande died. Mrs. Casagrande applied for education grants that would help her son, Donato, continue to attend the *Realschule* in Munich. Donato's application for low income education grants was denied by Munich on the grounds that the law which promises grants to low income school children also states that foreign students are ineligible. Rather than appeal the decision within the German legal system, the Casagrandes brought their case before the European Court of Justice. The Court – relying on a European Council regulation which states that the children of citizens of other European Union states must be afforded the same educational opportunities as nationals – ruled in favor of Donato.²¹ Thompson is troubled by the increasing ability of IGOs to exercise authority over states which this case represents.²² But if *Casagrande* is troubling, it does not appear to be so on liberal rights grounds, since Donato's receipt of education grants is well within parameters of liberalism.

The final reason that Thompson's critique is not convincing is that it is not

²⁰European Court of Justice, *Donato Casagrande v. Landershaupstadt Munchen*, Case 9/74, ECR 773, [1974] 2 CMLR 423.

²¹Thompson 1999, p. 111.

²²*Ibid.* *New York Times*, November 15, 2001.

clear why non-violent conflict over the meaning of rights ought not be considered a good to be promoted rather than an evil to be avoided. In Quebec, for example, there was a long standing controversy over the extent to which English should be allowed in public fora. The Francophones held the reasonable position that if the use of English were not regulated, it would destroy Quebecois culture. The Anglophones held the reasonable position that to overly restrict the use of English in public fora would discriminate against those who could not or would not speak French. This clash has not led to one side "winning" and the other side "losing," but has facilitated empathy and an understanding of the reasons behind each side's position. Over the decades, a consensus of sorts has evolved, such that most Francophones *and* Anglophones of Quebec support the current language laws.²³

This type of consensus building through reasonable disagreement has also taken place at the international level. In the fall of 2001, for example, state representatives met in a WTO (an IGO) forum to discuss patent laws pertaining to pharmaceutical drugs. The United States entered into the deliberation taking the position that intellectual property rights prohibited poor countries from disregarding patent laws. The poor countries took the position that respecting pharmaceutical patent laws would prevent them from fulfilling their duties to protect the lives and health of their citizens. Hashing out the disagreements led to a unanimous vote of all member states that patent laws would be substantially relaxed in poor countries.²⁴

²³Chambers 1996, pp. 212-227.

²⁴*New York Times*, November 15, 2001.

Thus, the reasonable disagreement fostered by the WTO led to a change that all parties appeared to regard as positive.

THOMPSON'S DEMOCRATIC CRITIQUE OF COSMOPOLITANISM

After Thompson argues (unsuccessfully) against cosmopolitanism on liberal rights grounds, he then moves against it on the democracy front. His first complaint is that in practice the IGOs advocated by cosmopolitans tend to suffer from democratic deficits.²⁵ He uses the EU as his case in point. According to Thompson, the EU is less than sufficiently democratic in two areas. First, the fact that the EU enforces policy mandates upon its democratic member states creates a democratic deficit. And second, the EU itself is insufficiently democratic: "This deficit shows up both between the EU and the member states (the EU has enacted regulations on a wide range of social policies without any effective electoral accountability), and with the structure of the government itself (the democratic Parliament has much less effective power than the technocratic Commission)."²⁶

The source of both of Thompson's concerns is the same, however. When he laments that "the EU has enacted regulations. . . without any effective electoral accountability,"²⁷ I believe that what he is actually worried about is that an IGO is controlling domestic policy. But of course, the fact that it does so is not an argument

²⁵Thompson 1999, p. 115.

²⁶Ibid.

²⁷Ibid.

against its doing so. Thompson needs to find a reason why we ought to find this problematic, and the reason he provides is a lack of democratic accountability. And a lack of democratic accountability is the same problem he points to in his second complaint: “the democratic Parliament has much less effective power than the technocratic Commission.”²⁸ Thus, his argument seems to be that IGOs suffer from democratic deficits because their decision-makers are generally not as directly accountable to the people as their state counterparts.

There are a few problems with this argument. First, Thompson’s use of the “democratic deficit” to argue against cosmopolitanism actually leaves the *concept* of IGO governance, and therefore cosmopolitanism, intact. His argument is based on empirical facts rather than revealing an inconsistency in theory. If cosmopolitans would simply change their theories to call for IGO policy makers to face regular, direct elections, like the EU parliamentarians, then cosmopolitanism would steer clear of Thompson’s objection (although, as I will contend shortly, I do not think such a change is necessary).

The second problem is that Thompson never shows why democratically elected state governments cannot use their authority to appoint politically legitimate representatives to IGOs. Why is it that elected state-level decision-makers can

appoint judges, confirm cabinets, set up commissions, and in many other ways delegate power, yet cannot select politically legitimate representatives for IGOs? Perhaps some argument to this effect could be constructed (although Thompson does

²⁸Ibid.

not do so); but any such argument would probably have to rely on arbitrary distinctions between intra-state and inter-state delegative authority and to be compelling would also have to avoid de-legitimizing international delegations of authority such as treaties, international patent and trade laws, alliances, and regimes that coordinate basic activities such as international mail and communications procedures for transnational airline flights.

Let us now look critically at the supposed EU democratic deficit that Thompson, and others, lament.²⁹ In the EU there are two legislative bodies – the European Parliament and the Council of the European Union – and one executive body, the European Commission.³⁰ The members of the European Parliament are elected by *direct universal suffrage* every five years. The Council of the European Union is the EU's main legislative body and members are appointed by their *democratically elected* state governments. The president and members of the executive branch, the European Commission, are also appointed by their *democratically elected* state governments. Moreover, members of the Commission must be approved by the European Parliament which, again, is *directly elected* by the citizens of EU member states. *Prima facie*, it seems that democratic accountability

²⁹See, for example, Thomas Pogge. 1997. Creating Supra-National Institutions Democratically: Reflections on the European Union's 'Democratic Deficit'. *The Journal of Political Philosophy*. 5: 163-82. For an argument in support of the EU's democratic legitimacy, see Christopher Lord. 1998. *Democracy in the European Union*. Sheffield Academic Press: Sheffield.

³⁰Of course there are many other bodies that make up the EU, but these are the ones that Thompson is concerned with. Of course there are many other bodies that make up the EU, but these are the ones that Thompson is concerned with.

permeates all three bodies in that decision-makers are either directly elected by the people, or are at only one remove from direct election. To convincingly attribute a democratic deficit to the legislative and executive branches of the EU requires more than reliance on common wisdom or pointing to the fact that the EU is wielding power in unaccustomed ways.

Another problem Thompson has with cosmopolitanism concerns a slightly different type of decline in democratic accountability. Thompson thinks that because cosmopolitans do not want a single sovereign world government, but rather multiple state, regional, and global political institutions, that this “multiplication of decision-making authorities” will “by its very nature” limit the potential for citizen control.³¹ Unfortunately, Thompson does not explain this assertion further. Indeed, he may be right that citizen influence is less than ideal in IGOs, but it is not clear why he concludes that it would be significantly weaker than in domestic governments. It is true that IGO representatives are generally, although not always, at one remove from direct democratic suffrage, but then so too are most domestic judicial systems, which often buttress democracy. If we look to the history of the civil rights movement in the United States, for example, much of the progress of African-American citizens was made possible by their access to the once removed judicial system rather than through direct representation.

There is another ready response to Thompson’s objection to the multiplication of decision-making authorities; indeed, it is one he recognizes. By creating multiple

³¹Thompson 1999, pp. 115-16.

layers of governance, we might actually “generate more points of influence and more opportunities for participation.”³² Thompson does not reply directly to this idea, but instead shifts to a slightly different issue: “The dispersal of authority may generate more points of influence and more opportunities for participation, but it is also likely to offer less effective control and coordination.”³³ Thus, his second problem with a world containing multiple decision-making authorities is that it becomes increasingly difficult to control and coordinate. We might have more participation but less governance.

Unfortunately, we again find that Thompson has provided little empirical or theoretical support for his assertion. If we return to *Casagrande*, we see that the potential confusion of deciding whether to go to a local, state, or regional court (the European Court of Justice) was not such that it prohibited Donato from receiving a hearing for his case. Furthermore, there is no reason to believe that Munich had coordination problems in determining how it should go about giving Donato his education grants, once the ECJ ruling came down. Thompson might reply that *Casagrande* does not represent the level of coordination problems that concerns him. But if he has more complicated situations in mind, his argument would run into another difficulty.

Without international organizations, it is not clear how *states* could coordinate solutions to complicated international problems – such as international security and

³²Ibid., p. 116.

³³Ibid.

environmental collective action problems. Thompson writes, "Although accountability in the present system may not be robust, we can see and try to correct its deficiencies more clearly than we could in a system with still more sources of authority." But one might reasonably reply that what robustness of accountability we do have in the present international system might very well be the result of current IGO presence. A number of international relations scholars have shown that with a little of the coordination, information sharing, and oversight that IGOs provide (at least sometimes), the payoff for inter-state cooperation increases dramatically.³⁴ If states could no longer turn to IGOs for coordination, information sharing, and oversight, what then would become of accountability in the present system?

Thus, it seems that Thompson's critiques of cosmopolitanism based on liberal rights and democratic legitimacy grounds are both unsuccessful. His critique of cosmopolitan liberalism is unpersuasive because he fails to demonstrate that IGO facilitation of free trade comes at the expense of other liberal rights, or that multiple layers of governance authority would lead to the types of disagreements that we would want to avoid, rather than encourage. Thompson's arguments against cosmopolitan democracy fall short because he relies on common wisdom, rather than sound argument, in attributing democratic deficits to IGOs like the EU. To successfully attribute a democratic deficit to IGOs, Thompson should have shown

³⁴Robert Axelrod and Robert Keohane. 1993. Achieving Cooperation Under Anarchy: Strategies and Institutions. In *Neorealism and Neoliberalism*. Ed. David Baldwin. New York: Columbia University Press; Duncan Snidal. 1991. Relative Gains and the Patterns of International Cooperation. *American Political Science Review*. 85: 701-26.

why supranational delegations of authority from democratically elected state governments are illegitimate – something nobody, to my knowledge, has persuasively done.³⁵ And finally, there are reasons to believe that the international control and coordination problems that concern Thompson might actually be mitigated by increased IGO governance.

THOMPSON'S CRITIQUE OF CIVIL SOCIETARIANISM

Although Thompson's critiques of cosmopolitanism are unsuccessful, his arguments against civil societarianism are persuasive. Advocates of civil societarianism, according to Thompson, want to "dissolve the tension (between liberty and democracy) by reducing the role of government at all levels."³⁶ They hope that various social, political, and economic public sphere discourses and non-governmental organizations (NGOs) can pressure governments to act in ways that represent grass roots values. Thompson believes that these civil society solutions to the problems facing global society are grossly inadequate as they now stand.

First, civil societarianism suffers from the "problem of many majorities," according to Thompson. This problem arises when different groups could claim to have democratic authority, and a theory of governance, such as civil societarianism, does not tell us how to decide which claims take precedence. Thompson believes that

³⁵Furthermore, it is worth noting (although Thompson does not address the subject), that EU voting procedures also do not appear to be *prima facie* undemocratic, if held to those standards generally applied to states.

³⁶Thompson 1999, p. 113.

the problem of many majorities also infects cosmopolitanism, but “civil societarianism suffers from the problem to an even greater degree than cosmopolitanism because, without denying the need for governmental institutions, it neglects the importance of improving and strengthening them.”³⁷ In cosmopolitanism, the problem of many majorities is caused by overlapping authorities. In civil societarianism the problem is the want of authority. Thus, when one group in civil society seeks to allow economic development of a rain forest while another wants to conserve it and only allow recreational use, how can we authoritatively decide what to do?³⁸ Obviously this problem rears its head anytime there is a conflict of views among the widely varied groups that constitute civil society.

Although Thompson does not point it out, the problem would become even more troubling if the conflict were between a group with decent intentions, and another with bad intentions, e.g. between an ethnic minority and neo-Nazis.³⁹ Although our preference for the former goes without saying, peaceful sentiments toward “other” ethnic groups are far from universally recognized in many parts of the world.⁴⁰ Civil societarianism seems to provide no authority to arbitrate such a

³⁷Ibid., p. 116.

³⁸Ibid., p. 117

³⁹See Simone Chambers and Jeffrey Kopstein. 2001. *Bad Civil Society. Political Theory*. 29: 837-865; Wapner, 1997, p. 76.

⁴⁰Think of the ethnic conflicts in Rwanda, Bosnia, or Indonesia, for example.

dispute, outside of waiting (perhaps indefinitely) for public sphere discourse to foster a grass-roots consensus. And even if public sphere discourse could often lead to consensus on issues of importance, Thompson counters that taking action based on such a consensus would be politically illegitimate unless formally mandated by a democratic government body. This seems correct – given that many people affected by the outcome would not have participated in, been aware of, or consented to the authority of the discourse – but it is important to note that Thompson’s point is weaker than it may appear. Again, Thompson is not claiming that civil societarians *deny* the need for formal democratic governance, but that they *ignore* formal democratic institutions in their theories.⁴¹

Thompson believes that without the strong, democratically legitimate political institutions that civil societarians ignore, there is little hope for the rise of the robust civil society that they so ardently advocate. A leading civil societarian, for example, thinks that the creation of a strong civil society may be the solution for the manifold woes of troubled societies.⁴² Thompson disagrees: “To the extent there has been progress in restoring law and order in Palermo, it is surely the result of the rebuilding not of choral societies but of political institutions, an effort in which the *national* government has played an important role” (emphasis original).⁴³ Whether formal

⁴¹Thompson 1999, p. 116.

⁴²Robert Putnam. 1999. *Making Democracy Work*. Princeton: Princeton University Press, cited in Thompson 1999, p. 116.

⁴³Thompson, 1999, p. 116.

political institutions causally precede robust civil society or vice versa, may be a bit of a chicken versus egg argument. But if formal institutions do in fact precede robust civil society, or even if the truth lies, as it so often does, somewhere on the middle ground, then Thompson is correct in concluding that civil societarians need to explain what types of formal political institutions fit into their theories of domestic and global governance.

THOMPSON'S ADVOCACY OF DELIBERATIVE STATES

Thompson believes that states are the best venue from which to provide global governance because for the foreseeable future they are likely to remain the most important players in world politics, despite increasing levels of globalization.⁴⁴ Nevertheless, Thompson believes that globalizing forces have significant effects and “probably make it harder for [state] governments to tax capital and to spend more resources on social programs.” But he also thinks that “it is easy to exaggerate the effects on the autonomy of domestic governments. . . . The most reliable recent studies show that the effects of international capital mobility are ‘contingent on the choices of national policymakers’ and their domestic institutions.”⁴⁵ Thompson concludes that “what may seem to be a loss of domestic control is actually the result of ‘self-limited sovereignty.’”⁴⁶

⁴⁴Ibid., p. 118.

⁴⁵Ibid.

⁴⁶Ibid.

Although scholars fall on both sides of this debate, there is much empirical support for Thompson's position that states maintain significant levels of sovereignty despite economic globalization.⁴⁷ In his critiques of cosmopolitanism and civil societarianism, however, Thompson is concerned that these views do not address (persuasively) how global economic pressures can be reined in.⁴⁸ Yet Thompson does not claim that deliberative states could any better control the global economic pressures themselves (although he does discuss how they would seek morally justifiable trade agreements); thus, Thompson is applying a markedly higher standard of retaining sovereignty to cosmopolitanism and civil societariansim than he is to his deliberative states.

Even though Thompson does not tackle the bigger questions of economic globalization, he does argue that deliberative states could make domestic and international politics more fair, while mitigating the "problem of many majorities."⁴⁹ First, Thompson believes that the political decisions made by deliberative democracies would be fair because "laws and policies imposed on individuals must be justified to them in terms that they can reasonably accept."⁵⁰ He finds this a fairer,

⁴⁷See Stephen Krasner. 1999. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press; Garrett, 1998.

⁴⁸Thompson 1999, pp. 114-18.

⁴⁹As the reader will recall, this the problem of more than one group being able to claim democratic authority, and a theory of governance does not tell us which claim takes precedence.

⁵⁰Thompson 1999, p. 120.

and a more moral way of making political decisions because justifications “are not merely procedural (‘because the majority favors it’) or purely substantive (‘because it is a human right’). They appeal to moral principles. . . that individuals who are motivated to find fair terms of cooperation can *actually* accept” (emphasis mine).⁵¹

Thompson also thinks that state-level deliberative democracies would improve global society by broadening political accountability: “Public officials must consider not only their electoral constituents but also. . . their *moral* constituents, all those individuals who are bound by the decisions they make, whether de jure or de facto” (emphasis original).⁵² Thus, state self-interest would be replaced to some extent by genuine attempts to do what is best for all moral constituents. And, he thinks, this would result in domestic policy makers’ finding *common ground* between different groups (including foreign groups), which would greatly mitigate the “problem of many majorities” by decreasing the frequency with which conflicts arise.

Furthermore, the ideal of accountability suggests institutional changes:

The broadened accountability in deliberative democracy suggests some institutional changes. For example, a state could establish forums in which representatives could speak for the ordinary citizens of foreign states, presenting their claims and responding to counter-claims of representatives of the host state. The responsibility could even be formalized by establishing a special office--a kind of Tribune for non-citizens.⁵³

Thompson believes that bringing states closer to deliberative ideals in this manner

⁵¹Ibid.

⁵²Ibid.

⁵³Ibid., pp. 121-122.

would have a number of salutary effects, ranging from better conditions for guest workers to improved economic negotiations between states (which he thinks are unjustly biased towards the commercial interests, rather than those of labor, or the environment).⁵⁴

Unfortunately, Thompson's explanation of exactly who ought to be considered a "moral constituent" disappoints. The concept sounds radically expansive when he defines the moral constituency of policy makers as "all those individuals who are bound by the decisions they [policy makers] make, whether de jure or de facto."⁵⁵ But his further explanation of this concept shows that it is quite limited:

This moral constituency goes beyond the borders of the nation, but stops short of a cosmopolitan inclusion of everyone in the world who might be affected by a state's decision. It goes beyond the borders because non-citizens are sometimes bound by the state's decisions, such as those involving immigration, import restrictions and transnational environmental agreements. It stops short of including everyone who may be affected because most non-citizens are not reasonably regarded as participants in the *scheme of cooperation* that establishes the rights and obligations that the state enforces (emphasis mine).⁵⁶

Thus, Thompson's moral constituency consists only of those who can be regarded as participants in a "scheme of cooperation." But what exactly constitutes Thompson's scheme of cooperation?⁵⁷ As he states, it is more restrictive than simply being

⁵⁴Ibid.

⁵⁵Ibid., p. 120.

⁵⁶Ibid.

⁵⁷Due to the complexities of the concept, and scant explication by Thompson, a full and complete answer to this question would take more space and attention than I can give in this essay.

affected by a law or policy. Perhaps he has in mind some type of international agreement that binds states and peoples together. But if this is required, would not many of the people most in need of consideration go unconsidered? Even under a very loose interpretation of what constitutes a morally binding scheme of cooperation, Somalia, Rwanda, and North Korea, for example, would likely have few if any schemes of cooperation; thus, their citizens would often only be the moral constituents of their own troubled governments.

Deliberative state policy makers considering their moral constituents would certainly be an improvement on state self-interest policy making discourses, but if Thompson is trying to address the challenges facing *global* society, and schemes of cooperation are indeed important to creating moral constituencies, then perhaps he ought to have considered the schemes of cooperation found in IGOs; and he ought to have explored what might follow if IGOs became more deliberative and their policy makers took into account their moral constituents. Peoples that are suffering would likely slip through the cracks under Thompson's state-level approach, but because of the many regional and global IGO schemes of cooperation all peoples would likely be moral constituents for a number of different IGOs.⁵⁸ Furthermore, if the concept of moral constituents were taken seriously in IGOs, then the problem of many majorities (if it is a problem) would be mitigated for the same reasons that it would be mitigated

⁵⁸Although, taking the requirement for schemes of cooperation seriously would mean that all people would *not* be moral constituents for the policy makers of every IGO. But even so, it seems likely that virtually every person would be protected as a moral constituent by a web of different IGOs.

in deliberative states.

Thompson also suggests state-level institutional changes that might include a "Tribune for non-citizens."⁵⁹ This may in fact be a good way to allow state policy makers access to the perspectives of foreign peoples, but it is hard to imagine that such a tribune would be given more than token power. Would not foreign peoples be better represented if they had real power in international institutions? Some would argue that it is utopian to believe that a poor state will ever wield influence equal to that of a powerful state in an IGO. This may be true, but in IGOs less powerful states do bring some amount of constitutionally mandated real power to the table that can be used to make their voices heard, to vote, or to parlay with other similarly situated states to create a more formidable voting bloc.⁶⁰ Is not this be a better formula than a state-level tribune for making sure that more perspectives are *actually* considered? Or, better yet, why not combine the benefits of deliberative states in conjunction with those of improved deliberative IGOs?

Of course, if Thompson were an international relations realist and thought that IGOs did not actually have significant amounts of power, then his ignoring what might follow if IGOs were brought closer to deliberative ideals would be understandable. But Thompson is not a realist and he does think that IGOs have power. Consider his reaction to the *Casagrande* case discussed earlier. Thompson is

⁵⁹Thompson 1999, p. 122.

⁶⁰See Arend Lijphart. 1963. The Analysis of Bloc Voting in the General Assembly. *American Political Science Review*. 57: 902-17.

deeply troubled by *Casagrande*: “Embedded in this case are the key elements of the problems that globalization poses for both liberalism and democracy” (emphasis mine).⁶¹ Thompson believes that IGOs, such as the European Court of Justice, are actually able to impose their will on states (even though they lack the liberal right and democratic authority to do so).⁶² Furthermore, Thompson believes that the informal structures of globalization, such as NGOs and transnational corporations (TNCs), are also wielding worrying levels of influence on international *and domestic* political and social processes.⁶³ Thus, since Thompson does believe that supranational structures have real power, it is surprising that he did not consider how they might be made more deliberative, democratic, and legitimate.

Nevertheless, Thompson does make slight room for IGOs: “To reaffirm the importance of the state is not to deny the need for transnational democracy, or to privilege the state as the only site of liberal democracy.”⁶⁴ But when it comes down to specifics, in Thompson’s world the main role of IGOs would be to provide

⁶¹Thompson 1999, p. 111.

⁶²A realist, on the other hand, would likely respond to *Casagrande* with indifference: if the ruling changed something of significance then Germany would have resisted compliance; otherwise, not. A second possible realist interpretation of *Casagrande* is that the ruling did indeed damage Germany (it sent a signal of weakness to actual and potential adversaries), but Germany was in fact too weak to resist. Even under this interpretation of the events surrounding the *Casagrande* case, the key variable is not the presence of an international court (as Thompson seems to lament), but rather the power, or lack thereof, of a nation-state.

⁶³Thompson 1999, p. 113.

⁶⁴*Ibid.*, p. 118.

information and advice to state policy makers: "Processes could be designed to encourage [state-level] representatives to take into account the views of transnational agencies and organizations."⁶⁵ This small role for IGOs is too limited. Many of today's troubling problems are of global scope and if left to deliberative states to solve (with IGOs playing only an advisory role) there will likely be a tragedy of the commons of literally global proportion.⁶⁶ In his advocacy of a state-level approach to international governance, Thompson fails to address this well worn yet all-too-urgent theme. Neo-liberal institutionalists, constructivists, and even realists recognize that regardless of their best intentions, states cannot, *on their own*, escape the collective action problems of the anarchical international system.⁶⁷ Thus, Thompson's state-level approach to global governance suffers from a problem similar to the one he rightly attributed to civil societarianism. Civil societarians nod their heads toward democratic political institutions, but do not systematically search out and explore exactly what those institutions ought to look like and how large a role they should play in global society. Thompson nods his head toward IGOs, but never explores what might make them more deliberative, democratic, and politically legitimate. In short, Thompson looks at states as they *could be*, but at IGOs as they *are*.

⁶⁵Ibid., p. 122.

⁶⁶Keohane 1984, 2001.

⁶⁷Realists, of course, hold that *even with the assistance of IGOs*, states cannot escape the Hobbesian difficulties of the anarchical international system. See Kenneth Waltz. 1979. *Theory of International Politics*. Reading: Addison-Wesley; John Mearsheimer. 1995. The False Promise of International Institutions. *International Security*. 19: 5-49.

CONCLUSION

Thompson's arguments for global governance by deliberative states are novel but, as I have argued, a world governed by deliberative states is not a *sufficient* solution to the problems facing global society. Nevertheless, Thompson does make important contributions to the literature of global governance. The state-level deliberative reforms he suggests would certainly provide some welcome benefits to global society. In addition, without dismissing the governance potential of global civil society, Thompson shows persuasively the need for civil societarians to better explain the role of formal political institutions in their theories. Moreover, I also believe Thompson is right to point out that states are still the major players in world politics. Yet being the major players does not mean that all, or even most, global governance will need to flow *directly* from state institutions, as Thompson has assumed.

In this chapter I have tried to show that IGOs are crucial components to achieving global governance and they should not be dismissed for the liberal and democratic reasons Thompson cites. But this is not to say that political theorists and philosophers should not look for ways to improve IGO structures and procedures. In fact, I believe that if implemented in IGOs, many of Thompson's suggestions for state-level deliberative reforms would greatly benefit the supranational-level of governance. But, that said, it seems apparent that even improved, deliberative IGOs would not reach their full potential for global governance unless complimented by domestic institutions and policy makers that have also moved closer to deliberative

ideals. In conclusion, if the arguments in this chapter are for the most part correct, then theorists of global governance should explore more fully how the roles of *any* deliberative states, global civil society, and IGOs might be combined to provide a more comprehensive account of democratic global governance. John Dryzek proposes that democratic global governance can be achieved through critical discourse within global civil society.¹ Rather than building on the growing literature of cosmopolitanism, which advocates empowering democratically reformed international governmental organizations (IGOs), Dryzek argues that increasingly powerful IGOs such as the UN, EU, and the WTO ought to be resisted. The existing governance vacuum created then be filled by global civil society. Specifically, he advocates governance through "discourse networks" within global civil society. A discourse network is created when various non-governmental groups and individuals come together to discuss a particular concern, combining their unique strands of discourse ("nodes") into a unified, more powerful whole. Dryzek believes that the communicative power of a number of such networks, cutting across traditional nation-state spaces of governance, could bring about democratic global order. Dryzek articulates reasons for believing what is often only assumed in the literature of global civil society: that IGOs are irredeemably undemocratic, and that civil society, on its own, is capable of providing global democratic governance. Because Dryzek has the *best developed theory* to date of how *civil society* could deliver global democratic order, a careful analysis of his ideas is needed. In this chapter, I will argue that the

Chapter 3

A Critical Analysis of John Dryzek's Account of Transnational Democracy

In his latest book, *Deliberative Democracy and Beyond*, John Dryzek proposes that democratic global governance can be achieved through critical discourse within global civil society.¹ Rather than building on the growing literature of cosmopolitanism, which advocates empowering democratically reformed international governmental organizations (IGOs), Dryzek argues that increasingly powerful IGOs—such as the UN, EU, and the WTO—ought to be resisted. The ensuing governance vacuum could then be filled by global civil society. Specifically, he advocates governance through “discourse networks” within global civil society. A discourse network is created when various non-governmental groups and individuals come together to discuss a particular concern, combining their unique strands of discourse (“nodes”) into a unified, more powerful whole. Dryzek believes that the communicative power of a number of such networks, cutting across traditional nation-state spaces of governance, could bring about democratic global order. Dryzek articulates reasons for believing what is often only assumed in the literature of global civil society: that IGOs are irredeemably undemocratic, and that civil society, on its own, is capable of providing global democratic governance. Because Dryzek has the best developed theory to date of how *civil society* could deliver global democratic order, a careful analysis of his ideas is needed. In this chapter, I will argue that the

¹Dryzek 2000.

reasons Dryzek forwards for holding IGOs as undemocratic are, in the end, unpersuasive; and that the discourse networks he advocates in lieu of formal IGO governance, might themselves suffer from democratic deficits.

IGOs AND ANARCHY

Dryzek begins his arguments against cosmopolitanism by pointing out that there are no global states or state analogues in the international system and therefore “it makes more sense to examine the possibilities for democratization in connection with discursive sources of order already present in the international system.”²

Dryzek’s contention here consists of two closely related points. First, the ideal of cosmopolitan government is so distant from the reality of our world that it is too utopian to serve as a guide. And second, because the core elements of discourse networks are already present in the international system, *prima facie* we ought to prefer discursive governance to cosmopolitanism.

Cosmopolitans, like David Held, suggest that all formal governmental organization, from the local to the global, should eventually be a part of a governing hierarchy. Such universal government power, Dryzek notes, does not presently exist, and “any attempt to introduce such mechanisms faces an uphill struggle.”³ This is an understatement. Indeed, one might say that as cosmopolitan theories are currently articulated, the realization of their ideals would require a systemic change of global

²Ibid., p. 115.

³Ibid.

proportion. Alexander Wendt famously asserted that “anarchy is what states make of it.”⁴ Even though cosmopolitans like Held reject the idea of a world state, their ideal IGOs appear to be strong enough that their realization would mean that international anarchy would no longer “be what states make of it,” but would disappear altogether. Cosmopolitans understand that change will take place gradually, but at some point the essential nature of the international system would have to change radically from anarchical to governed; and the possibility of this change, given its unprecedented magnitude, deserves more explanation than has been given.

Although Dryzek is correct that the feasibility of cosmopolitan ideals is problematic, he fails to acknowledge that there is still space for IGO governance short of ending international anarchy. Dryzek mistakenly assumes that because fully achieving cosmopolitan ideals is unlikely, moving toward those ideals would not improve democratic global governance. This seems unfair, given that Dryzek’s discursive sources of order would also only mitigate, rather than end, international anarchy. In addition, it is true that the inchoate elements of Dryzek’s proposed discourse networks are already present in the international system, but so too are cosmopolitan sources of order. Certainly IGOs have yet to achieve the practical significance or democratic deepening that cosmopolitans seek. Nevertheless, IGOs are present and they do affect our world.⁵

⁴Wendt 1992.

⁵See Robert Keohane and Lisa Martin. 1995. The Promise of Institutional Theory. *International Security*. 20 (1): 39-51; Snidal 1991; Wendt 1992; Peter Singer. 2002. *One World: The Ethics of Globalization*. New Haven: Yale

By downplaying the governance potential of IGOs, Dryzek is trying to show that critical discourse networks are the only realistic hope for transnational democracy: "[Critical] deliberative democracy should be more at home in the international system than liberal aggregative models of democracy, though only so long as it can escape liberal constitutionalism, because there are no constitutions worth speaking of in the international system."⁶ This last assertion is surprising, given that Dryzek believes that IGOs like the WTO, UN, and the EU exercise significant influence in the international system. Thus, it is unclear why he would not want the ideals of deliberative democracy to inform their constitutions, especially if he is right (although I do not think he is) that as they now operate, they are "not at all democratic."⁷

IGO's AND DEMOCRATIC AUTHORITY

The utopianism that really troubles Dryzek is not the belief that IGOs will develop significant power in the future, but the belief that powerful IGOs can become democratic. Dryzek finds this utopian because he thinks that the IGOs of today are so thoroughly undemocratic. He supports this contention in several ways. First, Dryzek argues that states do not behave in democratically accountable ways when it comes to foreign policy decisions, therefore a state's decision to participate in an IGO is

University Press.

⁶Dryzek 2000, p. 116.

⁷Ibid., p. 138.

undemocratic.⁸ Second, IGOs are themselves “not at all democratic.”⁹ Third, IGOs, in practice, simply facilitate economic market liberalism, and thereby limit the policy-making space available for democratic discourse.¹⁰ And finally, Dryzek argues that international security IGOs are dangerous to democracy when introduced into a world characterized by gross inequalities in power.¹¹ Let us take a critical look at each of his concerns.

Dryzek contends that the foreign policy decisions of states, including decisions to participate in IGOs, are undemocratic, based on the security concerns of executive, not legislative, branches of government:

Yet even here we know that foreign policy is the main area where ‘reason of state’ override democratic decision-making, and that it is likely to be foreign ministries and the executive branch of government that play the major role in negotiations. . . such that state democracy cannot be allowed to impede the overarching survival imperative.¹²

Although realists would concur with this portrayal, many scholars within other traditions of international relations thought would dissent, including the one with which Dryzek aligns himself, “sustainable development.”¹³ Indeed, it seems just as plausible to believe that “reason of the state” is not often used to thwart the will of the

⁸Ibid., p. 116.

⁹Ibid., p. 138

¹⁰Ibid.

¹¹Ibid. p. 119.

¹²Ibid., p. 116.

¹³Ibid., pp. 122-3.

people, especially in established democratic states. And, even if suspended because of security concerns, the will of the *demos* cannot be put off indefinitely. The “rally around the flag” effect is notoriously short-lived, for example.

Moreover, why are security concerns necessarily undemocratic, particularly in times of crisis or war? Dryzek points to the fact that executive branches generally make foreign policy decisions, but why should this be considered undemocratic? At the founding of the United States, for example, there was much discourse and debate concerning the best distribution of constitutional powers.¹⁴ Was the eighteenth century will of the American people undemocratic because they did not choose to place the bulk of foreign policy powers in the legislative branch? If so, then it is peculiar that in no established democracy today is there any significant popular movement to take foreign policy decisions out of the executive branch and put them into the hands of the legislative.

And let us not forget that in democratic states executive branches are also, to greater or lesser degree, democratically accountable.¹⁵ Executive foreign policy decisions are *informed* and *limited* by the culture and discourse of the public sphere,

¹⁴For a discussion of the level of debate surrounding the founding of the United States, see Bruce Ackerman. 1991. *We the People: Foundations*. Cambridge: Harvard University Press.

¹⁵In the US, not only are presidents limited to two, four year terms of service, but they also have a much lower re-election rate than do members of the House and Senate.

for example.¹⁶ Furthermore, if Dryzek were correct that foreign policy decisions are dictated by security imperatives that fall beyond the democratic will, then we would expect that democracies and non-democracies would behave identically. Yet there is of course a large and compelling literature documenting the “democratic peace.”¹⁷ Indeed, Jack Levy asserts that “the absence of war between democracies comes as close as anything we have to an empirical law in international relations.”¹⁸ Thus, it appears we need not assume, with Dryzek, that foreign policy decisions, including state choices to participate in IGOs, are generally undemocratic.

IGOs AND DEMOCRATIC DEFICITS

Not only is Dryzek worried that states decide to participate in IGOs for undemocratic reasons, he is also concerned that IGOs are themselves undemocratic. The WTO, for example, has absolutely “no democratic features,” according to Dryzek.¹⁹ The WTO’s decision-making procedure appears to be *prima facie* democratic, however. Framing arguments in a way that would allow for a consensus

¹⁶See Miroslav Nincic. 1992. *Democracy and Foreign Policy: The Fallacy of Political Realism*. New York: Columbia University Press.

¹⁷For a summary of the ideological and empirical arguments for and against the democratic peace, see Steve Chan. In Search of Democratic Peace: Problems and Promise. *Mershon International Studies Review*. 41: 59-91; Michael Brown, S. Lynn-Jones and S. Miller. 1996. *Debating the Democratic Peace*. Cambridge: MIT Press.

¹⁸Jack Levy. 1988. Domestic Politics and War. *Journal of Interdisciplinary History*. 18 (4): 653-73.

¹⁹Dryzek 2000, p. 119.

is considered by Habermas, Rawls, Manin, and other democratic thinkers to be an important element of democratic discourse, for example, and as an institutional matter the WTO only takes action once a consensus has been reached.²⁰ What better way to insure that deliberation is framed in terms to which all participants could agree than to in fact require all participants to agree? Nevertheless, some political thinkers do not think that enabling or achieving consensus is necessary for democratic political action. In fact, some believe that seeking consensus gives too much weight to the status quo.²¹ Yet even these critics generally do not argue that seeking consensus is patently undemocratic.

An argument could be made that it matters little how closely an organization approximates deliberative and democratic procedural ideals if the participants themselves are not democratic. Iran, for example, has been trying to gain entrance into the WTO since 1996. The US has consistently blocked Iran's entrance through the power, given to *every state* in the WTO, to veto any proposal.²² Is the US's veto a democratic move? Most deliberative democrats do not hold that an organization has to be democratic to participate in domestic democratic processes. Instead, political

²⁰Jurgen Habermas. 1990. *Moral Consciousness and Communicative Action*. Transl. C. Lenhardt and S. W. Nicholsen. Cambridge: Harvard University Press; John Rawls. 1996. *Political Liberalism*. New York: Columbia University Press; Bernard Manin 1987.

²¹See Amy Gutman. 1999. The Epistemic Theory of Democracy Revisited. In *Deliberative Democracy and Human Rights*. Eds. Harold Hongju Koh and Ronald C. Slye. New Haven: Yale University Press; Peter Singer, 2002.

²²New York Times, October, 11, 2001.

parties, tribal governments, and religious organizations are welcomed. It may be that democratic participation requirements should be more exclusive once we move to an international level of governance, although Dryzek does not take this position.

Rather, Dryzek is worried that IGOs are already too exclusive.²³ Although he thinks the some UN agencies with a “social” mission are appropriately inclusive (such as UNICEF, and the Human Rights Commission of the UN), Dryzek believes that the most powerful IGOs – and their influential branches, such as the UN Security Council – are all problematically exclusive.²⁴ Dryzek divides exclusivity into two types, active and passive. No IGOs are *actively* exclusive in trying to curtail the role of groups in global civil society by working toward their demise (even when these groups are actively working against IGOs). Nevertheless, powerful IGOs are guilty of *passive* exclusion, which occurs when IGOs do not foster the growth of, or share their influence with, the actors of global civil society.²⁵

It is not clear why IGOs need to share their power with civil society groups to be democratic, however. When discussing civil society groups, Dryzek never mentions that these groups should share their power with IGOs, or even with their less powerful counterparts. Perhaps Dryzek never calls on civil society actors to share their power because they have so little, while IGOs have so much. But Dryzek recognizes that there are many weak IGOs that have democratic potential yet little

²³Dryzek 2000, pp. 135-38.

²⁴Ibid., p. 137.

²⁵Ibid., pp. 135-38.

power.²⁶ Should not these democratic yet weak IGOs also be given more power? If not by civil society actors, then by powerful IGOs? Furthermore, when Dryzek discusses his ideal of transnational governance, he envisions powerful discourse networks, yet never mentions that these newly empowered entities would need to share their power with other formal or informal organizations.

Even when a powerful IGO does make efforts to incorporate civil society groups, Dryzek does not change his opinion of their undemocratic nature. Consider the World Bank. Over the past twenty years the World Bank has made increasing efforts to work with civil society groups to inform, improve and implement its policies. In the 1970s and early 1980's, the World Bank was relatively isolated from civil society actors. By 1992, of the 156 projects that the World Bank undertook, 89 incorporated cooperation with NGOs.²⁷ And since James Wolfensohn became president of the World Bank in 1995, the already increasing participation from civil society has increased even more rapidly.²⁸ Alongside these changes, the substantive content of World Bank projects and policies have increasingly encouraged democratic values by requiring wider participation, greater transparency, and more accountability in the institutions of recipient states.²⁹ Thus, Dryzek's conclusion that the World

²⁶Ibid., p. 137.

²⁷Robert O'Brien, A. M. Goetz, J. A. Scholte, and M. Williams. 2000. *Contesting Global Governance*. Cambridge: Cambridge University Press, p. 30.

²⁸Ibid.

²⁹Ibid.

Bank, along with other powerful IGOs, is “not at all democratic” is somewhat surprising, especially since he is aware that such changes are taking place: “The World Bank, long excoriated for the environmentally abusive projects it financed, did by the 1990s open an environmental department and appoint environmentalists to it.”³⁰

Maybe Dryzek believes that the reforms of the World Bank are only partial, and therefore not an example of a powerful, yet democratic IGO.³¹ But perhaps Dryzek is not truly considering the power sharing taking place in the World Bank or the consensus voting procedures in the WTO. It may be that Dryzek simply sees powerful IGOs as hindrances to his preferred sites of transnational governance, discourse networks. And because Dryzek advocates sites of power that are *critical* of the status quo and established power, it may be the case that powerful IGOs will never be considered democratic by Dryzek, as they tend buttress more traditional conceptions of political and economic power.

IGOs, DEMOCRACY, AND FREE TRADE

Dryzek believes that many of the most powerful IGOs are simply “economic police officers,” and given their role as such, “There is again little evidence of democracy here.”³² In order to evaluate Dryzek’s assessment, let us look closely at

³⁰Dryzek 2000, p. 136.

³¹Ibid., p. 137.

³²Ibid., p. 116.

the source of his complaints. Dryzek states, "The danger in establishing governmental bodies with an economic mandate at the international level is that they will be subject to the economic constraints on states, and so reproduce those limits to democracy at an international level."³³ To which limits is Dryzek referring? He writes, "The first task of all states with capitalist economies is maintenance of the confidence of actual and potential investors."³⁴ Dryzek does not view this role of states as a positive one for democracy. He thinks it is bad enough that democratic states act to promote economic growth at the expense of other worthwhile projects, but even worse that IGOs help states achieve this aim.

Let us examine the two GATT examples Dryzek uses to illustrate how the economic liberalism promoted by IGOs can thwart democracy. First, in 1991, the GATT (which has since been reformed to create the WTO), ruled that an American ban on tuna imports caught using methods that kill high numbers of dolphins was a violation of GATT trade agreements. The second example is the GATT's rejection of Indonesia's ban on raw log exports (in an effort to maintain sustainable forestry in its country).³⁵ Adding to Dryzek's unease over these ruling is that IGOs such as the GATT have the power to punish states that do not abide by their rulings. There are a number of issues here which need to be sorted out in the next two sections. Here I begin by asking, are the two GATT rulings in these examples simply unwise and

³³Ibid., p. 119.

³⁴Ibid.

³⁵Ibid., p. 127.

unfortunate decisions? Or, are they unwise, unfortunate, and *undemocratic* decisions?

In the two GATT cases that concern Dryzek, it seems that the decisions to protect neither dolphins nor sustainable forestry are indeed unwise and unfortunate. Dryzek believes that these decisions are also undemocratic, but it is not clear how this necessarily follows, unless he assumes that truly democratic decisions can never be egregiously mistaken. If a well-informed demos can make troubling mistakes, then perhaps Dryzek's objections are really grounded in a substantive view of justice, rather than democracy. Dryzek claims this is not his intention, however; so how exactly is he reaching the conclusion that the GATT decisions are undemocratic? Dryzek argues that the democratic deficits of economic liberal IGOs have their roots in the undemocratic limits of domestic politics: "The first task of all states with capitalist economies is maintenance of the confidence of actual and potential investors."³⁶ But this seems overstated; certainly there are other tasks of equal or greater importance that states perform: maintaining law and order, national security, and democratic institutions, even at the expense of investors, for example. If doing what is best for investment is primary, then why do we not see a world populated with "Sri Lankan" governments that greatly curtail public sphere discourse and private liberties in order to attract capital?

The portrait Dryzek paints of the state as a unified, rational actor seeking to fulfill an agreed upon economic goal is overly simplistic. Sometimes attracting

³⁶Ibid.

investment dollars is a top priority, but at other times different interests come to the fore, including the many special interests of influential groups. Why is it that the US spends more (as a percentage of GDP) on its military than does France, for example? Is it because the US leaders calculate that such a large military budget would do more to help attract investment dollars? This explanation seems less plausible than that a military industrial complex is better established in the US than in France (partly due to the travails of the French military in WWII), and is therefore able to garner more funding. Why is it that Clinton did, and Reagan and Bush Sr. did not heed the advice of Allan Greenspan, and make real efforts to balance the budget? Is it because prior to Clinton such a measure would not have significantly increased investors' confidence? Or is it because in a democracy the goals of the leadership change? Domestic politics is complicated and to assume that a state is a unified actor pursuing one primary common goal is often much too simple.³⁷

Even though Dryzek overstates the importance attracting investment dollars, certainly a strong economy is one component of a healthy state; and to attain a strong economy a state generally has to accept certain economic constraints. In *The Lexus and the Olive Tree*, Thomas Friedman refers to these economic constraints as a "golden straight jacket."³⁸ The straightjacket does not require uniformity, as might be

³⁷See for example Allison's description of the competing domestic interests during the Cuban Missile Crisis; Graham Allison. 1971. *The Essence of Decision*. Boston: Little Brown.

³⁸Thomas Friedman. 2000. *The Lexus and the Olive Tree*. New York: Anchor Books.

thought, however. There is policy space for more (Sweden) or less (the US) wealth redistribution, for example, although in both cases the straightjacket requires economic discipline. States cannot simply print more money to get out of debt or default on loan re-payments if they want investors to keep their assets in the state.

Similar to Thomas Friedman's "golden straightjacket" is Benjamin Cohen's idea of "the unholy trinity" of political economy. Cohen argues that to avoid capital flight and economic decline, state governments can control any two of the three basic fiscal elements – exchange rates, capital mobility, and monetary policy – but must take a hands off approach and allow markets to determine the third.³⁹ If Friedman and Cohen are correct that states must exercise economic discipline to prosper, is this *prima facie* undemocratic?⁴⁰ It does not seem so, especially since most citizens have a strong interest in a healthy, growing economy.⁴¹ And if not, then the fact that some IGOs facilitate such agendas is not a reason to dismiss cosmopolitanism as undemocratic. But before we put too much weight on the interests of the *demos* we ought to make sure we know which group of people constitutes the relevant public. This leads us to the tension between global and local constituencies.

³⁹Benjamin Cohen. 1995. The Triad and the Unholy Trinity. In *International Political Economy: Perspectives on Global Power and Wealth*. Eds. Jeffrey Frieden and David Lake. New York: St. Martins Press.

⁴⁰This is not to dismiss the possibility that there are more and less democratic ways of exercising economic discipline.

⁴¹Mancur Olson 1982.

THE GLOBAL VERSUS THE LOCAL

Implicit and occasionally explicit in many of Dryzek's arguments is a concern that IGOs overturn local democratic will. Dryzek paints a picture of citizens deciding what is in their best interest through discourse and deliberation, only to have their democratic resolve frustrated by powerful IGOs. Obviously, such unfortunate scenarios need to be addressed, but Dryzek goes a step further and argues that because IGOs over-rule local constituencies, they are undemocratic and should be replaced with other means of governance. For his position to be compelling, Dryzek would have to show that IGOs are *themselves* undemocratic, however: something he has not done. After all, if IGOs are democratically legitimate then implementing their policies would not be *inherently* undemocratic. And when an IGO overrides a local democratic will, if we consider both wills to have democratic authority then deciding which level of governance ought to take precedence would require a more developed theory of when a global public should defer to a local public.

It seems that we are once again faced with what Dennis Thompson calls, "the problem of many majorities." The reader will recall that the problem of many majorities occurs when multiple publics claim to have democratic authority yet a theory of governance does not tell us (compellingly) which claim ought to take precedence. Like a holographic image, the constituency of significance changes depending on the angle from which one views the problem. From one perspective, a situation may look problematic because domestic will is being over-ruled by an IGO. But, as in the case of the US facilitation of dolphin safe tuna, perhaps our judgement

is influenced by the subject matter. Recently the US refused to sign the Kyoto Protocol, which would have required a pledge to lower US production of greenhouse gasses. Suppose an IGO had the power to pressure compliance, would this be undemocratic? In this case, we might reasonably conclude that the US is behaving undemocratically because the majority of states, including the US, recognize that global green house gasses need to be decreased. Thus it would not seem inherently undemocratic for an IGO to help bring about consensus and compliance on the Kyoto Protocol.

It does not appear that we should accept unqualifiedly Dryzek's preference for the local over the global. When global and local publics disagree about how to handle issues such as free trade, dolphin-safe tuna, or the Kyoto protocol, we need guidance for which is the appropriate level of governance, unless we are willing to take a substantive justice approach to global governance and determine the appropriate public based on the likelihood of achieving a preferred policy outcome. Perhaps the principle of subsidiarity could serve as a guide:

The European Union is a federal body that has adopted the principle that decisions should always be taken at the lowest level capable of dealing with the problem. The application of this principle, known as subsidiarity, is still being tested. But if it works for Europe, it is not impossible that it might work for the rest of the world.⁴²

Certainly subsidiarity is not without difficulties, but it seems a more fruitful starting point than Dryzek's blanket rejection of the global in favor of the local.

⁴²Peter Singer, 2002, pp. 119-200. See also Held 1995, pp. 235-37.

IGOs, PUNISHMENT, AND COERCION

Dryzek's preference for local governance makes him concerned with IGOs' ability to punish noncompliance. Dryzek does not fully consider that states have the option to leave if they feel they are being treated unfairly by IGOs, however. Certainly exit will come at a cost, but, I will argue, this fact should not change our evaluation of IGOs' democratic legitimacy: especially when we consider that the "punishment" for noncompliance is generally limited to a suspension or termination of participation benefits.⁴³

When an IGO makes a decision that a member-state strongly disagrees with, the state is faced with a decision: love it or leave it. We rightly cringe at "love it or leave it" as a basis for domestic political obligation because there is little or no choice of where one is born, where one's friends and families reside, one's native tongue, or the culture and land one comes to think of as home.⁴⁴ Giving these up is an unreasonably demanding condition of repudiating one's allegiance. Furthermore, states are also demanding in that they enforce laws that not all agree with, they sometimes ask citizens to give their lives on the battlefield, and they require payments of a significant percentage of citizens' earnings. And if one wanted to get away from

⁴³It is often said that IGOs are simply the tools of powerful states, but this must not, at least always, be the case. The US withdrew its participation from an IGO (the International Labor Organization) because it did not believe it was being treated fairly, for example.

⁴⁴See John Simmons. 1983. *On the Edge of Anarchy: Locke, Consent, and the Limits of Society*. Princeton: Princeton University Press; George Klosko. 1998. Fixed Content of Political Obligation. *Political Studies*. 46 (1): 53-67; H.L.A. Hart. 1965. *The Concept of Law*. Oxford: Clarendon Press.

all obligations to states, there are few or no places to go. The reasons that make “love it or leave it” unacceptably coercive as a basis of domestic political obligation are not present between a state and an IGO, however. Many states have survived and some have even prospered without participating in the powerful free market IGOs that concern Dryzek. It may be the case that participation in such IGOs is necessary in order to reach the highest echelons of development and prosperity, but such reward incentives are hardly the same as coercive threats.⁴⁵

Dryzek might respond that the existence of free market IGOs creates pressures that are nonetheless damaging to the project of transnational democracy. Is this right? Consider five democratic states, A, B, C, D, and E. Let us say that C, D, and E create an IGO to enforce a free trade zone, and C, D, and E begin to grow economically at faster rates than A and B, which have chosen not to participate. Let us suppose further that A and B are actually worse off because of the existence of the free trade IGO; investment dollars are leaving A and B and going to C, D, and E because of their higher economic growth rates. Would it be more democratic to declare that no states can participate in such free trade agreements? What would be the specific *democratic* complaints against C, D, and E? Should it be considered a democratic violation to make states overly attractive to investors?

What if C, D, and E’s free trade regime had backfired and their economies slipped into recession while A and B’s economies continued to grow at a modest rate, causing investment dollars to flow out of C, D, and E and into A and B? Would C, D,

⁴⁵See Hart 1965; Simmons 1993.

and E then have a *democratic* complaint against A and B? If in the original example we think that A and B have a democratically legitimate complaint against C, D, and E, but in the second example we do not think C, D, and E have a democratic complaint against A and B, how could we justify this position? We might say that the more protectionist economies of A and B were the status quo, and therefore C, D, and E have little room to complain in the second case because they chose to deviate from status quo. But why should the status quo be relevant to democratic legitimacy? If we say that C, D, and E were not forced to join a free trade regime in the second example, we might also point out that in the first example A and B *chose* to not participate. Overall, I can see no democratically important distinctions between the two situations.

Of course, Dryzek might respond that this hypothetical is too “clean.” If we were to fill in real-world characteristics for the states, we would find free trade IGOs more democratically problematic. Is this the case? Let us say that A is an authoritarian regime, with an economy based on oil exports. B and C are third-world states that rely heavily on coffee and sugar exports, and struggle to maintain their young democratic governments. D and E are long established first-world democracies. D has a much more progressive tax structure than E’s, but also has a smaller economy. In fact, A, B, C, and D all have economies that are significantly smaller than E’s, and for each E is their biggest importer. D and E decide to create a free trade zone, to be enforced by an IGO. A, B, and C are invited to join, but all are skeptical they would benefit, and each declines to join. Disappointed, the leaders of E

pressure them to reconsider. E has little leverage over A, as there are many other states willing buy its oil, and A again declines. B and C, on the other hand, are not in a good bargaining positions. E threatens to greatly increase trade restrictions, and C changes its mind. B again declines, despite the pressure. Now, as in the previous hypotheticals, C, D, and E are members of a free trade regime while A, and B are not.

Let us say that oil exporting A is not greatly affected by any of this. D and E benefit from the free trade zone, however. C is a mixed bag; its economy has improved overall, but certain sectors have been damaged from the increased competition. B clearly suffers. As expected, B's economy took a large hit from decreased exports to E, and this damage was magnified when its investment dollars flowed into the more promising economies of C, D, and E. Furthermore, B's economic troubles were directly responsible for a military coup, and B is no longer a democratic state.

What do we make of all this from a democratic perspective? Certainly there are ways in which democracy suffers; after all, before the free trade regime there were four democratic states, now there are three. But does this mean that the free trade regime is itself undemocratic? I do not think it does for two reasons. First, even though we are rightly concerned with the worst off (the citizens of B), the citizens of E have democratic rights which should not be ignored. Democratic self-determination ought to allow the citizens of E to determine on what basis they will participate in cooperative trade with B. Even though we might disagree with E's behavior, it is not *prima facie* undemocratic to be disagreeable by "driving a hard

bargain.” This does not mean that E can do everything in its power to further its preferable world order, however. It would be undemocratically coercive for E to point its nuclear weapons toward B and then demand that it join the free trade regime, for example. One might be tempted to reply that in our hypothetical, an “economic atomic bomb” was pointed at B (and C), and therefore B’s democratic right to self determination was violated by E. But this response belittles actual coercion. Just as there are important moral distinctions between a pharmaceutical company that charges a high price for life saving drugs and a thief who demands “your money or your life,”⁴⁶ so too there are important distinctions between the US’s economic embargo on Cuban goods, and its backing of the “Bay of Pigs,” for example. As demonstrated by B and C choosing differently, E did not take away B’s ability to make a meaningful choice.

Similarly, during the East Asian financial crisis of the late 1990s, the International Monetary Fund (IMF) offered suffering states financial assistance to help stop speculators from attacking their currencies, but states had to agree to significant political and economic reforms as conditions of assistance. Some scholars contend that the IMF’s demands were unreasonably harsh, as well as unwise, and that recipient states had no choice but to accept them. But this mistakes a “tough decision” with “no decision.” There was an opportunity for choice; Malaysia declined the IMF’s offer, and Malaysia’s economic downturn was less severe than

⁴⁶Simmons 1993.

that of all states which accepted IMF aid and reforms.⁴⁷ One might respond that this illustrates Dryzek's point; our world would be better off without economically liberal IGOs, like the IMF. Whether this is true is much debated. Nevertheless, the question of importance for democratic theorists is who decides if a state should be allowed to participate in free trade IGOs. If I am correct that IGO participatory decisions are generally not coercive, then it would seem undemocratic to preclude states from forming and participating in such regimes, as to do so would go against the basic democratic right to government by and for the people.

Second, we ought not base our judgements of democratic legitimacy on outcomes. If we were to rely on an outcomes approach to democracy, in our example we might just as readily conclude that B had no democratic right to decline participation, as the outcome of that decision was the loss of its democratic government. Obviously, such a judgement against B would be unfair, one reason being that B could not have *known* what would result. Likewise, in the initial stages of the free trade regime's development it would not have been unreasonable for D and E to believe that B and C would want to join, or that their economies and young democratic institutions would be better off for their doing so. Furthermore, an outcomes approach to democratic global governance would provide little guidance to our world, as we would have to wait to see how things turn out before passing democratic judgements (or we could simply preclude states from organizing free trade

⁴⁷See Joseph Stiglitz. 2002. *Globalization and Its Discontents*. New York: Norton, p. 93.

IGOs based on the *possibility* of an undesired outcome, which would mistakenly place *prima facie* democratic value in the status quo).

It is clear that Dryzek does not like the idea of IGO promotion of liberal economics, but it is not clear that we should regard free market IGOs as inherently undemocratic. Why should the presence of tariffs and other types of trade restrictions be considered *prima facie* more democratic than their absence (especially when we consider that many trade restrictions are a result of special interest lobbying rather than a realization of a generalized public interest)?⁴⁸ It may be that free trade IGOs do indeed create pressures for states to liberalize their economies, but these pressures do not appear to be coercive, or for that matter less democratic than say the protectionist pressures that prevailed in the 1920s and 1930s, before free market IGOs gained prominence. And if we hold that democratic self-determination ought to be respected, then these questions of participation really should be left for states to decide, regardless of whether one's opinion is that free trade IGOs lead to a Panglossian "best of all possible worlds," or that they do more harm than good. Finally, if liberal free trade pressures are not inherently undemocratic, as I have argued, then the fact that free market IGOs punish non-compliance (non-coercively) does not appear to hinder the project of global democratic governance.

SECURITY AND POWER

Beyond his concerns for the economic consequences of cosmopolitanism,

⁴⁸Mancur Olson 1982; Robert Reich 1991. ,

Dryzek is also worried about cosmopolitanism's effects on other areas of global society, specifically security issues: "There are dangers too in the introduction of cosmopolitan principles and practices into a world characterized by gross inequalities of power. . . In this light, cosmopolis is autocratic, not democratic."⁴⁹ Dryzek believes that cosmopolitan principles "can serve to legitimate dubious military interventions, such as those led by the United States in Somalia and Iraq in the early 1990s, or that undertaken by France to prop up a genocidal regime in Rwanda."⁵⁰ Dryzek recommends that conflicting parties be allowed to work out their differences. But, on its face, this prescription does not seem any more humane or democratic than cosmopolitan intervention, perhaps less so. The same principles of cosmopolitan intervention that Dryzek laments also allowed NATO and UN troops to intervene in Kosovo, where Serb troops were engaged in genocide. In one of the cases Dryzek highlights, intervention in Iraq, it is not clear that leaving Iraq alone would have eventually resulted in the "peace reconciliation" he predicts,⁵¹ unless, of course, "peace reconciliation" were to mean the absolute defeat of the Kuwaitis. Also, the US did not act alone: many countries from around the world (including many Islamic countries) supported the UN coalition against Iraq.

In the case of Rwanda, unfortunately, France did prop up a genocidal regime. In doing so, it was not acting as an agent of the UN general assembly or its Security

⁴⁹Dryzek 2000, p. 119.

⁵⁰Ibid.

⁵¹Ibid.

Council, however. France received approval by the Security Council for "Operation Turquoise," but this was meant as an humanitarian intervention after the genocide. Certainly "Operation Turquoise" fell short in a number of ways, but it is estimated to have saved up to 14,000 lives.⁵² Furthermore, a UN report on the atrocities of Rwanda concluded that had a few thousand more UN peacekeepers been mobilized once the severity of the situation became known, much of the genocide could have been prevented, and up to 800,000 lives saved.⁵³ Therefore, perhaps IGO security forces should be endowed with more rather than less power. Overall, it is simply not clear how Dryzek understands autocracy and democracy when he declares that cosmopolitan security interventions are autocratic rather than democratic. Perhaps he is again worried that IGOs are subverting local will. But again, simply because the global triumphs over the local does not mean that democracy suffers.

DRYZEK'S DEFENSE OF TRANSNATIONAL CIVIL SOCIETY

Rather than looking to IGOs or states, Dryzek suggests that global civil society could, and should provide global governance. More precisely, transnational discourse within civil society ought to provide the bulk of global governance. Communicative power can be brought to bear on various areas of governance by concentrating strands

⁵²Nicholas Wheeler. 2000. *Saving Strangers: Humanitarian Intervention in International Society*. New York: Oxford University Press, p. 234.

⁵³*Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda*, United Nations, Office of the Spokesman for the Secretary-General, New York, 15 December 1999, cited in Peter Singer 2002, pp. 4-5.

of discourse (“nodes”) into “discourse networks,” according to Dryzek.⁵⁴ These discourse networks would be democratic because the exchange of ideas would support the deliberative virtues of “openness, respect, reciprocity, communicative competence, and equality in the ability to raise and question points.”⁵⁵ Powerful transnational discourse networks could provide critical guidance on a variety of global issues such as sweatshops, distribution of land mines, the operation of oil refineries, and sustainable development. Dryzek believes these networks will open democratic space if they, and international organizations (not only IGOs, but NGOs as well), do not try to subvert or bully those with local knowledge and interests. Democratically implemented and maintained, Dryzek believes that a myriad of discourse networks would provide participatory opportunity, focus, direction, and governance to global society.

Is this vision of transnational democracy through discourse networks plausible? Dryzek provides a number of persuasive examples of transnational discourse changing attitudes and eventually policies.⁵⁶ Much of this change may have occurred regardless of democratic *intentions*, however. In order for his theory of transnational governance to be persuasive, Dryzek needs to give us reasons to believe that discourse networks can be *intentionally* fostered to magnify the positive contributions of public sphere discourse. Dryzek tells us that “[discourse] networks

⁵⁴Dryzek 2000, pp. 133-139.

⁵⁵Ibid., p. 134.

⁵⁶Ibid., pp. 124-29.

emerge when individuals or groups that are similarly situated in one important respect, but different in most other respects, decide that their common interest would benefit from joint action.”⁵⁷ But who or what is responsible for facilitating these networks? How can we encourage “individuals or groups that are similarly situated” to start creating more discourse networks? Should governments attempt to legislate discourse networks into existence? Are intellectuals and/or activists responsible for their creation and empowerment? Or do discourse networks rise spontaneously, absent any collective intention? If they do not rise spontaneously, then who or what can we hold accountable if and when discourse networks do not rise to provide the needed governance, or go astray and becomes authoritarian rather than democratic?

Furthermore, why should we consider such governance to be democratic? Dryzek characterizes himself as a “discursive democrat,” and indeed his theory certainly gives a large role to the power of discourse.⁵⁸ However, his use of “democracy” seems to be entirely synonymous with “discourse,” while most accounts of democracy ultimately stress the power of the many to govern.⁵⁹ Dryzek distances his ideas from traditional understandings of democracy in other ways as well. First, he claims that territorial boundaries are arbitrary, and therefore traditional understandings of democracy are not compelling.⁶⁰ But Dryzek is focused on

⁵⁷Ibid., p. 134.

⁵⁸Ibid., p. 3.

⁵⁹Robert Dahl. 1998. *On Democracy*. New Haven, Yale University Press.

⁶⁰Dryzek 2000, p. 132

transnational democracy, thus there should not be a problem of arbitrary borders since the world in its entirety is considered. Second, he states that he is more interested in democratic *governance*, than in formal democratic *government*.⁶¹ But Dryzek has not shown that the governance of discourse networks would be more representative of the relevant *demos* than would formal government institutions. In fact, one could argue that his discourse networks would create a “discursive aristocracy” of those with the education, information, and the communication skills to participate influentially.

Consider the issue of pharmaceutical patents. Dryzek contends that the debate in global civil society is between those who support the search for new pharmaceutical medicines in foreign lands as “bioprospecting,” and those who see the pharmaceutical companies as exploitive and engaged in “biopiracy.”⁶² Yet Dryzek *does not* say that there should be a discourse network formed to explore all sides of the issue and find out what the relevant *demos* understands its interests to be. Rather, Dryzek suggests that a discourse network should emerge to target the pre-determined evil of “biopiracy.”⁶³ He leaves no room for a public that wants to maintain the status-quo: “Particular responses might involve defensive legal action, more aggressive legal action to pursue the transfer of private property rights in particular patents to local owners, political protest, organizing a boycott of a corporation, civil

⁶¹Ibid.

⁶²Ibid. p. 125.

⁶³Ibid. p. 133.

disobedience, media publicity, or work on an alternative developmental model to counter the inroads of market capitalism.”⁶⁴ But what if this is not what the *demos* understands to be in its best interest? Is it unfathomable that a fully informed *demos* would want to continue “bioprospecting” rather than outlaw it as “biopiracy,” despite the unsettling abuses that sometimes occur (and provide disquieting anecdotes)?

Dryzek cautions that even though democracy is an open-ended project, this “does not mean democracy can mean anything one likes.”⁶⁵ But it is not clear that Dryzek heeds his own caution: democracy is not synonymous with discourse,⁶⁶ nor is criticism of established power necessarily democratic.⁶⁷ Clearly there is a lot of rhetorical power in the label “democracy,” but in the case of Dryzek’s theory of “transnational democracy,” it is not clear that the label is appropriate. That said, to dismiss Dryzek’s ideas entirely would be a mistake. The discourse networks that Dryzek proposes could buttress democratic global governance by providing new information and perspectives on problems and policies, and by keeping a critical eye on how formal governmental organizations are exercising their power.

CONCLUSION

⁶⁴Ibid., p. 134.

⁶⁵Ibid., p. 135.

⁶⁶Habermas 1996.

⁶⁷This would be more accurately described as Foucaultian rather than democratic.

Dennis Thompson rightly complains that those who propose vigorous civil society as a solution to the problems of global governance do not address the proper role of formal government institutions in their theories. Dryzek is no exception. While Dryzek denigrates formal governmental institutions, both domestic and international, his discourse networks need the freedom and space created by formal governmental institutions. Dryzek writes, "We would have governance across states in terms of the order provided by transnational discourses, and government within states in terms of what states did under the influence of these discourses."⁶⁸ Beyond this, Dryzek does not consider the role played by domestic and international governmental institutions. Surely it matters. Civil society and public sphere discourse in Cuba, China, and North Korea is significantly different from civil society discourse in Sweden, Canada, and Costa Rica. Similarly, global civil society and transnational discourse networks would be different in a world populated by powerful and democratic IGOs than in a world without them.

Dryzek writes that Thompson's ideas on deliberative states would work with his own in a "complementary fashion."⁶⁹ But Dryzek does not consider fully how his transnational discourse networks could also work in a scheme of cosmopolitan governance, such as the one suggested by David Held. Dryzek cursorily dismisses Held's ideas, claiming that "discursive sources [of power] are ignored by Held," even

⁶⁸Dryzek 2000, p. 132.

⁶⁹Ibid., 132.

though Held includes civil society as one of his seven sites of global power.⁷⁰ Dryzek is quick to dismiss cosmopolitanism because he thinks it too utopian to guide our all too real world. While cosmopolitans give a primary role to IGOs, Dryzek thinks them irredeemably undemocratic. In this chapter, I have tried to show that the reasons Dryzek forwards for holding IGOs as undemocratic are not persuasive, and that the discourse networks he advocates in lieu of IGOs might themselves suffer from democratic deficits.

This is not to say that vibrant transnational discourse should not play an important role in a democratic world order, however. Dryzek has argued persuasively that communicative power can change positively attitudes and policies. But if discourse networks were the primary source of democratic global governance, there could arise severe legitimacy problems with their representational authority. Therefore, as political thinkers continue to ponder ways our world might achieve effective and more legitimate democratic governance, they should not dismiss IGOs in favor of the communicative power of discourse networks, as Dryzek suggests. Rather, political theorists and philosopher should begin to consider more complicated systems of governance that can harness the potential found within both formal and informal spheres of global society.

⁷⁰Ibid., 121; Held, 1995, p. 181.

Chapter 4

On David Held's Cosmopolitanism

In *Democracy and the Global Order* David Held outlines his vision for a democratic world order.¹ Held envisions layers of government, extending from the local to the global, which will embed democratic procedures and values, as well as provide democratic solutions to global problems such as environmental degradation, over-population, poverty, unaccountable multinational corporations, excessive international currency speculation, and the proliferation of weapons of mass destruction. Both Thompson and Dryzek fault Held for relying too heavily on IGOs, which they believe would lead to a decrease in overall democratic governance. I contend in chapters two and three that their arguments against Held are unpersuasive. This does not mean that Held's theory of cosmopolitan democracy ought to be accepted, however. In this chapter I will evaluate Held's ideas.

Held begins building his theory by engaging in a thought experiment, a sort of synthesis of Rawls's "veil of ignorance" and Habermas's "ideal speech situation." From the thought experiment, Held concludes that *autonomy* is needed for citizens' deliberation and choices to have meaning, and therefore citizen autonomy is a prerequisite of a democratic government. When Held turns his sights from his hypothetical thought experiment to real world governance, he observes that most nation states fall well short of ensuring citizen autonomy. The problem is not wholly

¹Held 1995.

caused by negligent states, however. According to Held, even if states had the will to provide their citizens with an acceptable levels of autonomy, states are unable to do so because of constraining pressures created by our globalized world. The states of today have *de jure* sovereignty, but increasingly they lack *de facto* sovereignty. Thus, Held believes that powerful regional and universal cosmopolitan governments must be instituted if democratic deliberation and governance is to be realized.

In order to make an informed judgement of Held's theory of cosmopolitan governance, I will carefully examine the three foundations of his theory. First, I will look at whether Held is correct to conclude that *de facto* sovereignty of nation states is eroding because of increased globalization. If he is mistaken that states will eventually "wither away," then perhaps an *inter-state* approach to governance might better provide our world with much needed democratic governance. Second, I will look at the conclusions Held draws from his democratic thought experiment. Held believes that his thought experiment shows that democratically necessary rights cannot be protected in an international state system and therefore cosmopolitan institutions are needed. If Held's interpretation of the democratic thought experiment is unpersuasive, then his case for cosmopolitanism becomes less compelling. And third, I will look at the specific suggestions Held makes for cosmopolitan government, such as a democratically reformed, and greatly empowered United Nations. I will argue that there are reasons to be skeptical that Held's ideals could be realized, and even if they could, it would not necessarily be good for democratic deliberation and governance.

THE DECLINE OF THE STATE?

In the previous chapters I did not highlight the distinction between cosmopolitan and non-cosmopolitan IGO governance since the distinction was not essential to Thompson's or Dryzek's critiques. In this chapter, it will be necessary to distinguish the two types of supranational governance, however. Cosmopolitans such as Held contend that the important units of consideration and power are individual persons rather than nation states. Held envisions ideal IGOs as having their representatives directly elected by citizenries, rather than inter-state organizations in which state governments select their representatives. Thus, Held's cosmopolitan institutions would be quite different than the most powerful IGOs of today.²

Held believes that the state centric system of global power distribution is in decline, dismissing the "globalization sceptics" who hold that nation state sovereignty has not been significantly affected by the changes of the 20th century.³ But Held also distances himself from the "hyper-globalists," who hold that today's world is already fully integrated and globalized. Held finds a middle ground, although it lies much closer to that of the hyper-globalists. Held believes that although globalization is not complete, it has fundamentally altered Westphalian nation state sovereignty, and we are now living in a world in which states are unable to handle our most pressing

²The EU parliament being the obvious exception. But even this is exception is only partial, as the representatives in the other branches of the EU are selected by state governments.

³For the view of the sceptic, see Krasner 1999.

problems. He concludes that new forms of government beyond, and more powerful than nation states are needed.

Are nation state authority and sovereignty eroding to the extent that Held claims? Held discusses a number of “disjuncts” between notions of sovereign states and the way governance within and between states actually works. Although he does not claim that each disjunct gives sufficient reason to disregard state sovereignty, he does believe that the totality of the disjuncts gives sufficient reason to doubt theories of governance anchored upon state power. In the following subsections I will examine each of the disjuncts that Held discusses. If the disjuncts are not as troubling as Held claims, then his case for cosmopolitan, rather than inter-state, governance is weakened.

International Law

Held claims that international law is increasingly cosmopolitan, in that respect for states’ Westphalian sovereignty is often ignored in favor of cosmopolitan concerns.⁴ Specifically, concern for human rights can trump states’ rights to determine how to treat their citizens. “From the minorities treaties, associated with the establishment of the League of Nations after the First World War, to the UN’s Universal Declaration of Human Rights (1948) and subsequent Covenants on Rights (1966), it has been recognized that individuals have rights and obligations over and above those set down in their own judicial and authority systems.”⁵ Moreover,

⁴Held 1995, pp. 101-07.

⁵Ibid. p., 101.

international law's respect for human rights is not limited to issues of trivial significance. Rather, international law has set a precedent of enforcing human rights in the most sensitive areas of state power: "The legal framework of the Nuremberg Tribunal marked a highly significant change in the legal direction of the modern state, for the new rules challenged the principle of military discipline and subverted national sovereignty at one of its most sensitive points: the hierarchical relations withing the military."⁶ This leads Held to conclude that "Respect for the autonomy of the subject, and for an extensive range of human rights, *creates a new set of ordering principles* in political affairs which, where effectively entrenched, can *delimit and curtail the principle of state sovereignty itself*" (italics mine).⁷

Certainly Held is correct to assert that the protection of individual rights by international accord is new and significant; globalization skeptics are mistaken in asserting that there is nothing new under the sun. But simply because the hard-line skeptical position is dubious, this does not mean that state sovereignty is limited in a way that makes cosmopolitan governance necessary. It may be that the Universal Declaration of Human Rights is significant and that it has the potential to limit certain aspects of state sovereignty. But it ought to be kept in mind that the Declaration was created in a deliberative forum of *state representatives* and was crafted in such a way that all participating states were able to agree to its content. Therefore, it is seems problematic to conclude that state sovereignty is encroached by the Declaration, when

⁶Ibid., p. 102.

⁷Ibid., p. 103.

all states *agreed* to bind themselves by it. As Plato long ago pointed out, reasoned self-binding may be an expression of true sovereignty, while the freedom to fulfil unreasonable wishes may be slavery.⁸ States collectively agreeing not to engage in genocide, slavery, and torture does not need to portend the demise of states' significance; rather, it may speak of their adaptability to an evolving global consciousness.

Held also uses the Nuremberg trials as an example of the erosion of state sovereignty because he believes that it affects one of the most sensitive areas of state sovereignty, military power. But this too is not entirely convincing evidence for his conclusion. The Nuremberg trials – along with the Tokyo trials, and more recently the trial of Slobodan Milosevic – concerned officers (and a president) from countries that suffered military defeat. Punishment of the defeated is common throughout history, as respect for sovereignty is not often extended to the vanquished.⁹ Held's position would be much stronger if his examples showed international courts punishing military officers of a still powerful regime, against that regime's wishes.¹⁰

⁸Plato. 1992. *Republic*. Transl. G.M.A. Grube, revised by C.D.C. Reeve. Cambridge: Hacket Publishing Company.

⁹In some cultures military defeat has meant cannibalization. Tobias Schneebaum documents the cannibalism that took place after a tribal conflict in the Amazon; Tobias Schneebaum. 1969. *Keep the River on Your Right*. New York: Grove Press.

¹⁰Held also brings up a successful civil suit in US domestic courts against the estate of Ferdinand Marcos. The lawsuit sought damages for the killings of labor leaders in Seattle that were carried out by a Filipino intelligence unit. The court case took place long after Ferdinand had fell from power, however. Moreover, not only was Marcos deceased at the time of the ruling, but he was by no means a martyr,

The right to be governed by democratic institutions is a notion that is increasingly accepted in institutions which create and enforce international law and, according to Held, this exemplifies decreased state sovereignty. The Council of Europe's requirement that states be democratic before joining the European Union demonstrates such a decrease in state sovereignty.¹¹ Requiring that states be democratic to gain membership in the EU is a far cry from saying that states no longer have a right to be undemocratic, however. And, it does not mean that states are less sovereign simply because states move toward more deeply democratic domestic institutions in order to gain membership in international organizations like the EU. Certainly membership has its privileges, but rewards for action (as opposed to crippling punishments) are seldom coercive.¹²

In response to Held, Will Kymlicka argues that the decision of Baltic states to join the Council of Europe was not an example of newly constrained sovereignty. On the contrary, it was a demonstration of the *increased sovereignty* of the Baltic states, as those states never had the option to join such international institutions during the Cold War, because of the coercive force exerted by the Soviet Union.¹³ I would go a

having been run out of his homeland as a crook. The conclusions Held reaches from this case about the decline of state sovereignty reach much too far.

¹¹Held 1995, pp. 104-05.

¹²Simmons 1993; Hart 1965.

¹³Will Kymlicka. 1999. Citizenship in an era of globalization: commentary on Held. In *Democracy's Edges*. Eds. Ian Shapiro and Casiano Hacker-Cordon. Cambridge: Cambridge University Press.

step further than Kymlicka and assert that the presence of IGOs that allow states to self-bind not only demonstrates freedom from coercive states like the former Soviet Union, but also demonstrates an increased freedom (and sovereignty) from Hobbesian international anarchy. Certainly states have always had the choice whether to respect human and democratic rights, but this is an easier choice to make when institutions are in place to mitigate (through punishments, oversight, and publicity) the competitive advantages of states that do not respect those rights.

This is not to say that international law, and our understanding of nation state sovereignty, has not evolved since the time of Grotius and the conference of Westphalia. Certainly they have. But it is not clear why such an evolution lends weight to the proposition that nation states will, in the not-too-distant future, “wither away.”¹⁴ Kant, whose ideas Held relies heavily upon, long ago foresaw the potential for international law to regulate affairs between republican states, yet Kant never thought that an increasingly significant international law necessitates the decreasing importance of states, or a diminishment of their sovereignty.¹⁵ Kant thought that states governed by the rule of law and accountable to their people would be more interested in commerce and peace than in conquest and war, and would therefore choose to institute and obey international law. Held is correct to point out that international law has changed since 1648, but he has not argued persuasively that the

diminishing of state sovereignty, according to Held, are the IMF and the World Bank.

¹⁴Held 1995, p. 233.

¹⁵Immanuel Kant. 1983. *Perpetual Peace and Other Essays*. Transl. Ted Humphrey. Indianapolis: Hackett Publishing.

changes demonstrate the decreasing political significance of nation states.

The Internationalization of Political Decision-Making

Held believes that the “internationalization of political decision-making,” as evidenced by the proliferation of transnational non-state actors, is problematic for state centric theories of global democratic governance. “In 1909 there were 37 IGOs and 176 INGOs, while in 1989 there were nearly 300 IGOs and 4624 INGO’s. In the middle of the nineteenth century there were two or three conferences or congresses per annum sponsored by IGOs; today the number totals close to 4000 annually.”¹⁶ Held believes that the number of these institutions and congresses is troubling for state-centric theories, but his arguments supporting this conclusion are thin. In fact, their mere existence seems to be evidence enough, of the decreasing significance of states. Although Held seems to realize that this is not his strongest point, and spends little effort arguing it, it is important to point out that one could reasonably interpret the proliferation of IGOs and INGOs as evidence of the continued relevance of nation states. Post WWII existence was characterized by the Cold War. The fact that the war remained “cold” meant there was enough peace, stability, and predictability for states to form inter-state organizations in an attempt to mitigate, or even solve international collective action problems.

Of the many IGOs that were created in the 20th century, two of the most damaging to state sovereignty, according to Held, are the IMF and the World Bank. Both organizations have made wide use of “conditionality.” In the case of the IMF,

¹⁶Held 1995, p. 108.

this means countries are required to “cut public expenditure, limit public-sector wages and employment, devalue its currency and reduce subsidized welfare programmes” before obtaining desperately needed loans.¹⁷ In the case of the World Bank, conditionality often means “exacting standards of monetary and fiscal rectitude, increased leeway for the private sector, the steady removal of domestic protections from the forces of the international economy and. . . the requirements of ‘good governance’, comprising respect for human rights, liberal democratic mechanisms of public accountability and effective public administration.”¹⁸

Held believes that such conditionality is a sign of the decreasing significance of state sovereignty:

A striking tension has emerged between the idea of the state – centered on national politics and national institutions – and the nature of decision-making at the international level. While de jure sovereignty may not be directly infringed, the decision-making process of the IMF raises serious questions about the conditions under which a political community is able to determine its own policies and directions. . . In current circumstances, there is little a developing country can do to resist this.¹⁹

But one ought to be careful not to overestimate the devolution of sovereignty from states to the IMF and World Bank, as the states that are subjected to conditionality agree to it. Of course one could argue in a similar vein as Wallerstein (as Held seems to), that the global economic system forces states into the periphery of economic affairs, where they are dependent and vulnerable, and therefore there is little

¹⁷Ibid., pp. 109-10.

¹⁸Ibid., p. 110.

¹⁹Ibid.

meaningful choice in their request of loans.²⁰ But even if one were to accept this view, one must ask whether state sovereignty would be more entrenched if organizations like the IMF and World Bank did not exist. This is an important question because Held is arguing that these IGOs are displacing political power from states. But if we imagine a world without the IMF and the World Bank, it does not seem obvious that state sovereignty would be more entrenched. In some respects, economically troubled states would suffer more, and thereby have less de facto sovereignty, since they would not have access to the relatively low interest loans and would be left with the often less appealing options of requesting higher interest loans from private creditors, seeking aid from other states, or simply suffering economic collapse – all of which remain options in a world containing the IMF and World Bank. Thus, economic IGOs might actually increase state sovereignty, in the sense that they provide states with another option – even if that option can itself constrain.

Of course many scholars believe that IMF and World bank conditionality requirements have been so damaging to recipient states that those states would have been better off had no such institutions existed.²¹ Indeed, Held sprinkles his argument with insinuations that the neo-liberal economics of such institutions are unwise and contextually ill-informed:

²⁰Immanuel Wallerstein. 1974. The Rise and Future Demise of the World Capitalist System: Concepts for Comparative Analysis. *Comparative Studies in Society and History*. 15: 387-415; see also Christopher Chase-Dunn. 1989. *Global Formation: Structures of the World Economy*. Cambridge: Blackwell.

²¹For a thoughtful critique of the IMF, see Stiglitz 2002.

Tough conditionality lending has often been tantamount to 'shock treatment' for a country, fundamentally unsettling its institutions and customs. . . The IMF has tended in recent times to take 'structural adjustment' to the international economy as a fixed point of orientation, downplaying both the external origins of a country's difficulties and the structural pressures and rigidities of the world economy itself.²²

But does this mean that if the IMF and World Bank had created wise and beneficial structural adjustment packages, then Held would be forced to hold that the sovereignty of states is increasing? Obviously not, thus it seems that Held is confusing his argument on this point by bringing in tangential and emotive evidence.

But even if it actually is the case that IMF and World Bank loan recipient states are having their sovereignty curtailed in ways that are damaging, we would still need to assess whether Held is correct to use this as evidence that *overall* state sovereignty has eroded to the point that global governance ought to be cosmopolitan rather than inter-state. Indeed, this conclusion does not seem to follow, especially as Held believes that the real powers controlling the IMF and World Bank are the powerful *states* of the North.²³ Thus, Held's example only serves to demonstrate that *weak states* lack de facto sovereignty, which is a point that even globalization skeptics would readily accept.²⁴ Therefore, if we are seeking a plan for increased global democratic governance, this speaks to the need to design effective IGOs which work in *conjunction* with the power of nation states, rather than as replacement powers.

²²Held 1995, p. 110.

²³Ibid., p. 111.

²⁴See Krasner 1999.

Lastly, Held argues that the European Union is another example of the internationalization of decision-making that should lead us to question the de facto sovereignty of states. This is Held's strongest argument on this issue. Something new is happening here. The most powerful states of Europe are agreeing to devolve important aspects of their decision-making authority to the EU. Nevertheless, there are two points to keep in mind before concluding that state sovereignty is waning significantly. First, as with countries that decide to accept IMF and World Bank loans, states have a non-coerced choice whether to join the EU. Second, and perhaps most importantly, the EU is primarily an inter-state, rather than a cosmopolitan, organization. There are indeed cosmopolitan elements to the EU, such as the European Parliament, but most of the EU's power is wielded by state selected representatives. Thus, it seems problematic to use the EU as an example of the preferability of cosmopolitan governance, at least in the way Held has used it.²⁵

Hegemonic Powers and International Security Structures

After WWII, the world's power configuration became bi-polar, defined by the Cold War between the United States and the Soviet Union. Held believes that during this time many states were forced to devolve sovereignty over their security to the US led NATO organization, or to the Soviet led Warsaw Pact Organization (WTO). Moreover, after the Cold War ended, sovereignty was not returned to member states, as new threats came to the fore, such as threats from the presence of weapons of mass destruction:

²⁵See Kymlicka 1999.

In an age in which modern weapons systems can inflict devastating consequences on the environment – through, for example, radioactive fall-out, climate change, or the massive destruction of populations – the actions of each and every state are deeply interlocked with the future and destiny of every other political entity.²⁶

Thus, Held contends, the logic of statist model of security no longer works in a post Cold War world.

But Held's logical support for this point is a bit nebulous. He begins by explaining how the Cold War limited the sovereignty of most states, and then argues that since the end of the Cold War states have not seen a return of their autonomy because of contemporary security threats. But to support this point, Held refers to the *undesirability* of statist security, rather than to evidence that statist security has waned:

First, it [a statist security logic] denies democracy internationally by reinforcing the sense of the separateness of sovereign states and their ultimate responsibility for their own defense and security. Accordingly, states accept, at best, minimum responsibility for people in other countries. Second, it erodes democracy within nation-states by legitimizing institutions which are hierarchical, which thrive on secrecy and which, in an age of weapons of mass destruction, give a tiny group of people power over the future of life itself.²⁷

Even though Held's argument is loose on this point, his conclusion may yet be sound: the traditional international relations understanding of every state for itself is impractical, if not devastating, in a world full of biological, chemical, and nuclear weapons. But, that said, why would this necessitate a cosmopolitan rather than an

²⁶Held 1995, p. 118.

²⁷Ibid., p. 119

inter-state solution? It is true that during the Cold War sovereignty on security issues was ceded by some states, but Held makes too much of this. During the Cold War states still had meaningful choices to make. States could side with the United States, with the Soviet Union, remain neutral, or try to play the two sides against each other for their own benefit. Moreover, during the Cold War the US and the Soviet Union certainly thought that states, even small and undeveloped states like Vietnam, were critically important units of political power, rather than shells of their past relevance. And, the development of chemical, biological, and nuclear weapons occurred long before the Cold War's end. The environmental and security consequences of the Cold War going "hot" would also have been universal in nature. Now that the Cold War is over, why would the presence of WMDs lend weight to the position that states are losing relevance?

It may be that Held has confused "balance of power" politics and ideology, with the international state system itself. Surely there is theoretical ground available to assert that balance of power politics no longer makes sense in the post Cold War world, without also having to conclude that nation states are less relevant to global security. And if this is the case, then it seems that the nature of contemporary security issues may just as well lend weight to an inter-state approach to global governance as to a cosmopolitan one.

National Identity and the Globalization of Culture

Another disjuncture between our ideas of state sovereignty and the reality of

state sovereignty, is the “globalization of culture.”²⁸ Held thinks that states’ ability to control the identity, language, values, images, and information of their citizens has eroded in the second half of the twentieth century. With jet passenger airplanes, international tourism, cable television, satellites, personal computers, the internet, and global access to films, culture goes beyond state borders and is increasingly global. “These developments have been interpreted as creating a sense of global belonging and vulnerability which transcends loyalties to the nation-state; that is, to ‘my country right or wrong.’”²⁹ Moreover, “The cultural space of nation-states is being rearticulated by forces over which states have, at best, only limited leverage.”³⁰

But does this portend the end of the nation state and the need for cosmopolitan governance? If one considers the meaning of “sovereignty,” certainly a decreasing ability to control the information and images by states is evidence of decreasing sovereignty. But is such a decrease *relevant*? Or, in other words, when one says, “state sovereignty is decreasing,” is this the aspect of sovereignty that should come to mind? Let us say that I am the CEO of a software company and in the past I enforced a traditional dress code. Because of the current cultural trends in the tech industry, however, I have found in recent years that it is near impossible to keep talented

²⁸Held 1995, pp. 121- 127; 1999. *The Transformation of Political Community: Rethinking Democracy in the Context of Globalization*. In *Democracy’s Edges*. Eds. Ian Shapiro and Casiano Hacker-Cordon. Cambridge: Cambridge University Press, pp. 98-99.

²⁹Held, 1995, p. 124.

³⁰Ibid., p. 126.

employees while maintaining the strict dress code. Therefore, I relax the dress code in order to keep and attract talented employees. In one sense I have lost some sovereignty over my company. But does this mean that I am less relevant as a CEO? Or, that software company CEOs are in general less relevant to their companies' success, because we all feel the pressure to do away with formal dress requirements? Consider that it may be the case that relaxing the dress code actually enhances employee productivity. Perhaps they are more comfortable and therefore better able to concentrate on their tasks, and are more willing to spend longer hours at work, for example. Thus, even though one aspect of my sovereignty over my company was compromised, it does not mean that my ability to extract productivity from my employees, which is one of the core purposes of a CEO, has also been compromised. In fact, it may be the case that the loss of sovereignty in a relatively unimportant arena, has actually enhanced my sovereignty in an arena that is critical to fulfilling my role as a CEO.

Held states that "To what extent and how people are able to determine their own identity, culture and values in the face of the international and transnational media networks are *crucial issues* at the end of the twentieth century" (italics mine).³¹ But similar to the hypothetical of my choice not to uphold a traditional dress code, it is not at all clear why control over cultural elements ought to be considered "crucial" to states. Exchange of information, ideas, food, religions, art, customs, and many other aspects of culture have always taken place among peoples and states:

³¹Held 1995, p. 127.

Humans are curious and adventurous animals: they travel, they migrate, they trade, they fight, and they plunder. And they report back what they have found out about the ways in which others live (and trade and fight etc.). They bring back tales of exotic customs as well as the exotic goods they have purchased or stolen. One result of this is that custom, practice, language, and social and military organization seldom stay local. The pure culture, uncontaminated in its singularity, is for this reason an anomaly; it is an exception usually explained by historical contingency and extraordinary geographical isolation. For human cultures, it is the rule, not the exception, that ideas and ways of doing things are propagated and transmitted, noticed and adapted.³²

Thus, if cultural exchange is not new, why is the rapidity with which it takes place (which may be new), of “crucial” significance to state sovereignty? And how does this speak to a need for cosmopolitan governance?

The answers to these questions depend on how one understands culture. If one holds that the important part of one’s own culture is its distinctiveness, and that in order to have self-esteem one must be aware of and embrace her cultural distinctiveness, then an institution capable of controlling exchanges of information and images may indeed be important to a persuasive theory of global democratic governance. But it seems that what is important about a culture is not its distinctiveness, but that it transmits understanding and purpose. Jeremy Waldron argues persuasively on this point:

We should not assume that thoughts about one’s culture – whether they are thoughts about its distinctiveness or anything else – loom very large in one’s own involvement in the cultural life of one’s community. What one does in a community is simply speak or marry or dance or worship. One participates in a form of life. *Advertising* or *announcing* that this is what one is doing is participation in *another* form of life – a *different* form of life – a form of life only problematically related to the first. . . It seems very odd to regard the fact

³²Jeremy Waldron. 2000. What is Cosmopolitan. *The Journal of Political Philosophy*: 8 (2): 237 - 243.

that something is 'our' norm – that is, that this is what we Irishmen or we Maori or we Americans do – as part of the *reason*, if not the central reason, for having the norm, and for sustaining and following it. . . . Social norms and practices do not exist in order to make up a colorful distinctive culture for us to display and immerse ourselves in.³³

If the value of culture is not found in its distinctiveness, but rather its ability to embed our lives with meaningful images and answers to important questions, then it does not seem necessary for government to be able to preserve cultural distinctiveness: as cultures will assimilate, dissimilate, and in other ways evolve on their own. Moreover, if a significant part of what makes culture valuable is that it provides reasons and understandings of how to live, then it would seem that exposing people to outside ideas would often strengthen the reasons on which people base their actions. For example, if a father is planning on mutilating the genitals of his daughter for reasons given to him by his local culture, but is then exposed to outside images and ideas that lead him to question those reasons, is this necessarily bad, simply because the images and ideas came from beyond his domestic state's borders? It would not seem to be. The idea that reasons and beliefs should be exposed to opposing views has a long philosophical history. Socrates famously argued that reason and belief ought not be protected from probing. And more recently, John Stuart Mill argued compellingly that humans benefit from exposure to different ideas, even if those ideas are not completely true.³⁴

It is simply not clear why states' ability to control their culture is significant to

³³Ibid. pp. 234-5.

³⁴John Stuart Mill 1985.

their continued political relevance. The former Soviet Union controlled its citizens' access to outside cultural influences much more vigorously than did the United States. But it would be a mistake to conclude that the US was weaker, or less relevant as a state than the Soviet Union because more trans-territorial images and influences reached its citizenry. By extension, it is not clear why a world populated by states which choose to allow – or find it impossible to prohibit – external cultural influences ought to be considered evidence of the decreasing governing potential of states. This is not to say that the globalization of culture is irrelevant to all aspects of global governance, however. Giving people access to images of famine in Africa, the protests of Tiananmen Square, the mass graves of Kosova, the slaughter in Rwanda, and the terrorism of 9/11, should go a long way in creating greater understanding of the need for global affairs to be ordered.

Globalization and Economy

Held writes that pressures from MNCs, international currency speculators, and transnational banks have reduced nation-states' sovereignty over their economic choices. Economic arenas which states have traditionally regulated are now difficult, if not impossible to control without suffering major repercussions such as capital flight. "As a result, the autonomy of democratically elected governments has been, and is increasingly, constrained by sources of unelected and unrepresentative economic power."³⁵ For Held this serves as further evidence of the need for cosmopolitan governance. But before one agrees with Held's interpretation, it is

³⁵Held 1999, p. 98.

important to ask whether democratic governance ought to require that all aspects of economies be controlled by political institutions.

It is not obvious that in the past state governments have ever had a high degree of control over their economies. If they did, then states would not have allowed their economies to fall into the great depression of the early nineteen thirties, for example. Or, the Soviet Union would not have allowed its state run economy to lead to the demise of its empire. Of course this is not exactly what is troubling Held. Even though he asserts that states have less control over their economies, what actually seems to bother Held is the growing consensus among policy makers that the neo-liberal paradigm provides the best model for how states ought to run their economies.

“The Washington Consensus” refers to the belief that states should cut deficit spending and get control of inflation, before addressing other priorities such as full employment, providing robust social programs, or even feeding their poor.³⁶ But whether such neo-liberal policies have gained sway in the most powerful states, whether powerful states put pressure on weaker states to adhere to neo-liberal policies, and even whether people suffer because of the implementation of neoliberal policies, are different questions than whether states truly had more control over their economies in the past. It is debated whether our world is destined to continue cycles of hegemonic leadership in the future, but it is more-or-less uncontroversial that over the past five centuries powerful states have tried to impose their will – including their

³⁶Stiglitz 2002.

economic will – on the less powerful states.³⁷ Held has not shown that states have less control over recession, depression, inflation, and unemployment. Rather, he has only demonstrated that the economic policies of states have tended to be in line with neoliberal prescriptions, which does not show that economic globalization is leading to the irrelevance of nation-states.

Globalization and the Environment

Held believes that the globalization of environmental problems provides further evidence that the state system cannot anchor democratic politics. Held points to three distinct types of environmental problems that speak to the state system's inadequacy. First, there are shared problems involving the global commons (e.g. global warming). Second, there are "interlinked challenges of demographic expansion and resource consumption" (e.g. desertification). And finally, there are problems of trans-boundary pollution (e.g. acid rain). Given that environmental problems are oblivious to territorial borders, yet need to be addressed, "The proper 'home' of politics and democracy becomes a puzzling matter."³⁸

But however puzzling, Held does not believe that answers can be found in domestic states, or even in inter-state solutions. Again, as with the other areas of globalization, I believe Held makes too much out of the tension he observes. Simply

³⁷See Keohane 1984; Joseph Nye Jr., 1990. *Bound to Lead: The Changing Nature of American Power*. New York: Basic Books; George Modelski. 1987. *Long Cycles in World Politics*. Seattle: University of Washington Press; Paul Kennedy. 1987. *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*. New York: Random House.

³⁸Held 1999, p. 100.

because environmental problems cross borders, does not mean that states are not best situated to handle those problems. One aspect that Held does not seem to consider is that part of the problem may lie with the citizens, rather than with the current structures of governance. If the US demos cared more deeply about greener legislation, then perhaps the fate of the Kyoto protocol could have been avoided, for example. And if they do not care, then giving citizens suffrage in cosmopolitan institutions would not change things. Moreover, the Kyoto Protocol – which many experts thought would have been a solid stepping stone from which to approach our world's transboundary environmental problems – was an inter-state, rather than cosmopolitan, measure. Certainly there are many grass roots organizations and movements seeking to address environmental problems, but the failure of Kyoto was widely lamented because it would have bound *states*.

It seems that with regards to the “disjuncture” between globalization and the environment, and indeed all of the disjunctures that Held discusses, he is correct to point out that states and our ideas of state sovereignty are changing. Yet Held has not persuasively shown how these changes ought to lead us to conclude that democratic global governance needs to be cosmopolitan, rather than inter-state. And until such arguments are persuasively made, it would seem *prima facie* more reasonable to try to bend the current political configuration in such a way that global democratic governance could be better realized, than it would be to hope that states become weak enough to be replaced by new cosmopolitan organizations. That said, we have yet to examine core elements of Held's democratic thought experiment; thus, it would be

premature to dismiss his conclusions at this point. (original)." In order to avoid redundancy, Held believes that the participants in his thought experiment would agree

HELD'S DEMOCRATIC THOUGHT EXPERIMENT body; welfare; culture;

In order to determine the requirements of an acceptable democratic world and order, Held engages in a democratic thought experiment. The thought experiment is similar to Rawls's hypothetical social contract in that it takes place behind a "veil of ignorance," and is similar to Habermas's "ideal speech situation" in that participants seek consensus, and the only allowable force is that of the better argument. Furthermore, Held's thought experiment is democratic in that it is assumed that participants find primary political value in citizens' ability to deliberate and vote on political decisions. Thus, those who value autocracy or theocracy over democracy would not take part in the hypothetical conversation.³⁹

Held concludes that the participants in his thought experiment would arrive at a consensus on the need for citizen autonomy, because if true democratic government is to be achieved, citizens must have enough autonomy to *meaningfully* deliberate and vote. And since participants in the thought experiment would be ignorant of their particular life positions, they would want to ensure autonomy for everyone, including the poor.⁴⁰ Thus, the participants would reject any political configuration that would lead to classes of "nautonomic" citizens. "Nautonomy," defined by Held, "refers to the *asymmetrical production and distribution of life-chances which limit and erode*

³⁹Held 1995, pp. 160-67.

⁴⁰Ibid.

the possibilities of political participation" (italics original).⁴¹ In order to avoid autonomy, Held believes that the participants in his thought experiment would agree to protect citizen autonomy in seven critical areas of power: body; welfare; culture; civic associations; economy; coercive relations and organized violence; and legal and regulatory institutions. Held concludes that the inability of states to provide citizen autonomy in these areas means that we should pursue cosmopolitan global governance. In this section, I will briefly examine Held's discussion of each of the seven areas of power. I argue that in all seven of the sites of power, states actually could provide the level of autonomy Held desires, or Held's interpretation of the content of the consensus regarding that area is unrealistically demanding — therefore his conclusion that cosmopolitan government is preferable to inter-state governance is suspect.

The Body and Welfare

With regards to the body and its corresponding rights to health, Held writes that "people find themselves in nonautonomic circumstances if they do not have access to the health services which allow them 'to play the roles, participate in the relationships and follow the customary behavior which is expected of them by virtue of their membership of society.'"⁴² Furthermore, women need to have control over their bodies, which means that they are able to make a free choice as to whether to have children. This not only means access to contraceptives and childbirth facilities,

⁴¹Ibid., p. 171.

⁴²Held 1995, p. 177.

but also abortions on demand. Held's contention that people need to be relatively healthy to fully participate in democratic governance does not seem overly controversial. And, Held recognizes that although many states do not provide as much autonomy in this area as his thought experiment would suggest, some states do. Thus, autonomy over our bodies does not serve as a major point in Held's argument for powerful cosmopolitan institutions, since states actually could, if they had the will and the resources, provide autonomy in this area.

Held's second site of power is "welfare," which refers to the cultivation of abilities and talents that citizens require to participate fully in economic and political life.⁴³ To secure welfare autonomy, Held suggests that citizens have rights to universal childcare, universal education, and a number of other community services.⁴⁴ I do not want to spend time discussing this site of power because, similar to his discussion of the body, Held does not make a strong argument that states are unable to promote the necessary welfare rights, as both health and welfare rights have been increasingly protected in recent decades.

Cultural Life

Held's third power site is cultural life, which "refers to those realms of social activity where matters of public interest and identity can be discussed, where differences of opinion can be explored and where local custom and dogma can be

⁴³Held 1995, p. 178.

⁴⁴Ibid., p. 192.

examined.”⁴⁵ Unfortunately, Held is not always clear as to what needs to be in place to avoid cultural nautonomy:

Patterns of meaning also include aesthetic or ritual practices, which can be organized in a variety of ways through secular or ‘sacred’ forms of authority. Through these authorities, frames of meaning are produced and reproduced which can inform the development of political and social identity. Asymmetrical access to the production and distribution of interpretative schemes and practices, as well as to rhetorical abilities and skills, are a mark of nautonomy in the sphere of culture. Where collective power operates to control or manipulate a claim to meaning, or to set tight limits on how people might act morally in relation to each other and to nature, nautonomic forces may be present.⁴⁶

Held seems to be saying that it is democratically problematic when one culture becomes more respected and influential than another. But what exactly does he want democratic *political* institutions to do about it?

Held suggests several rights that would serve to protect cultural variation, such as rights to freedom of thought, faith, expression, criticism, and a right to be tolerated. There might be a tension within this list of rights, however. With rights to freedom of thought, faith, expression, and criticism, it would seem that Held is advocating a laissez-fair approach to culture. Yet, Held contends that democratic government needs to protect citizens against “circumstances whereby some groups are denied access to dominant cultural codes or are expected to be mere ‘receivers’ of them. . . . In the latter case, such organs may be in the hands of distinctive social groupings, religious hierarchies or the economically privileged, who may control or prevent

⁴⁵Ibid., p. 180.

⁴⁶Ibid.

access to them.”⁴⁷ Although this may be compatible with a right to toleration, it is not clear that it would be compatible with rights to freedom of thought, faith, expression and criticism. After all, if I have the freedom to think for myself, and to express those thoughts, then I ought to be free to express my disapproval of others. Held wants “freedom of criticism,” but it seems he only wants it so long as the criticism is aimed at those who are more culturally powerful. But certainly enforcing a right in this way would be problematic and contentious.

Even if consensus could be reached on Held’s list of rights, which seems quite plausible, it is unlikely that all participants would agree to his interpretation of what a right to toleration entails. To tolerate means, more-or-less, to live and let live. But in doing so, I, or my group, is allowed to believe and say what we want about others. Many powerful cultural organizations – the Catholic Church, for example – are hierarchical, exclusive, and are sometimes critical of less powerful groups, and is therefore would run afoul of Held’s understanding of a right to be tolerated. To ban such cultural structures from society would be problematic, if not undesirable. Surely at least some of the participants in Held’s thought experiment would recognize this, and not be part of a consensus which would outlaw them.

Civic Associations

The fourth site of power is that of civic associations. Held conceives civic

⁴⁷Ibid.

associations as an important subset of civil society.⁴⁸ “The realm of civic associations, thus, refers to the array of institutions and organizations in and through which individuals or groups can pursue their own projects independently of the direct organization of the state or of economic collectivities such as corporations or trade unions.”⁴⁹ Held believes that democratic citizens need to be free to form and participate in voluntary associations from “charities and churches to political organizations and social movements.”⁵⁰ But beyond buttressing democratic governmental institutions, Held believes the civic associations themselves need to be democratic:

The latter [nautonomic situation] results when organizations and institutions take on a ‘life of their own’ which may lead them to depart from the wishes and interests of their members. Such may be the case when they generate oligarchic tendencies – organizational structures which ossify and leaders who become unresponsive elites to those in lower echelons.”⁵¹

That participants in Held’s democratic thought experiment would agree that civic associations are important to democracy, seems uncontroversial. But his understanding of what autonomy in this area entails would be unlikely to garner consensus.

Although there are many strong arguments for why governments – which

⁴⁸Civic associations are not synonymous with civil society, since economic and other types of interactions also contribute to the totality of civil society

⁴⁹Ibid. p. 181.

⁵⁰Ibid. 1993, p. 243.

⁵¹Ibid. p. 246

people do not generally have much of a choice to be ruled by – ought to adhere to democratic standards, it is not clear why citizens ought to be protected against the elitist or oligarchical tendencies of *voluntary associations*. Let us say that I participate in a voluntary social movement association by paying its dues, attending its meetings, and marching in its rallies. Yet I find that my influence as of late has been waning, and I increasingly disagree with the direction that the association's leaders are taking our group. Would it not be enough that government protect my right to withdraw support from the association? This would allow me to lend my talents and support to a different organization, or start a new organization that represented like-minded citizens. It seems that this more relaxed civic association standard would be just as, if not more likely to gain consensus, since it would leave intact the many benign hierarchical voluntary associations that people choose to participate in.

The Economy

The economy is Held's fifth site of power. Held thinks that economic autonomy requires more than making sure that citizens have enough capital to purchase food and shelter. It also entails being free from the negative consequences of market failures.⁵² In particular, Held is concerned with failures which create "externalities," such as the huge economic inequalities that limit citizens' ability to participate as political equals.⁵³ For Held, these externalities are particularly

⁵²Held 1995, p. 245.

⁵³Ibid., p. 246

dangerous today because economic globalization amplifies their pernicious effects.⁵⁴

In order to secure economic autonomy, Held believes that everyone should have a right to a basic income (regardless of whether one is employed).⁵⁵ Also, Held thinks that corporate decision-making should be extended beyond its traditional scope of managers, owners, and executives, to include employees, customers, and other groups significantly affected by a company's decisions. But would the participants in the thought experiment reach a consensus on such rights? As for the need for companies to share their decision-making capacities with their employees, there are reasons to believe that it does not exist. One problem is that such a society leaves little room for business genius. For example, if I were an investor in Warren Buffett's company, Berkshire Hathaway, why would I want to participate in the decision-making when the CEO is widely recognized as the greatest investment mind of a generation? Or, as a patron of Miramax independent films, why should I have access to its decision-making structure? Would there not be a danger that if Miramax's costumers had a say in the type of movies that it puts out, we might see more of the big budget, special effects laden, action films? Of course, this may not be what Held had in mind. But if Held is serious about affected groups having decision-making rights, then certainly there exists a danger that we would eventually live in a type of "focus-group hell," a pernicious tyranny of the majority the likes of which De Toqueville never envisioned.

⁵⁴Ibid., p. 247.

⁵⁵Ibid., pp. 193, 253.

In short, even though the participants in the thought experiment are committed to democratic political institutions, it is not clear that they would be in favor of insuring democratic structures in business organizations. If citizens' basic needs are met, as they would be with Held's right to a minimum income, then citizens should be able to deliberate and vote in a meaningful way. Certainly there are democratic problems with income inequality and other economic "externalities," but these would seem to be better handled through the legislation of democratic institutions, rather than through irrevocable rights that would likely bring unanticipated and undesired consequences.

The Use of Coercion and Violence

The sixth site of power deals with the use of coercion and organized violence. In order to have autonomy in this area, citizens need rights to peaceful coexistence, and lawful foreign policy. But, according to Held, guaranteeing these rights would be difficult under an international state system. For starters, in a state system, it would be left up to the states themselves to be both judge and jury as to whether they were respecting these rights. Furthermore, rather than "lawful foreign policy," the state system perpetuates "the Security Dilemma": states have strong incentives to strengthen their militaries, even though they would each be better off if they all cut back the size of their militaries. This not only leads to international *insecurity*, but also damages opportunities for democratic deliberation because military values, such as secrecy, often trump democracy's need for transparency and information.⁵⁶

⁵⁶Ibid., p. 184

Certainly these are issues that a theory of global government ought to address, but would a compelling theory of global governance necessarily have to call for a cosmopolitan rather than inter-state solutions? First, it is not entirely true that all states sit as judge and jury over their respect for human rights. Increasingly, IGOs and other states put pressure (and indeed intervene militarily in extreme situations of abuse) on states to respect human rights. As discussed earlier in this chapter, notions of state sovereignty over basic human rights have evolved through time. It does not seem inconceivable that human rights protection could occur in an international system anchored on states' political power.

Second, Held writes that the Security Dilemma is problematic for the respect of citizen autonomy, but then never tells us how we can escape it. This would also be troubling for cosmopolitanism, however. As it stands today, states are the only political units with standing armies of significance. How would they ever be disarmed? This needs to be explained, because if they cannot be disarmed, it would seem that cosmopolitan institutions would also have trouble securing rights because of the Security Dilemma. Moreover, it is possible that if IGOs were themselves armed with militaries, as Held suggests, then the Security Dilemma might be exacerbated as states not only compete militarily with other states, but also compete militarily with IGOs. Thus, even if Held is correct that individuals in the democratic thought experiment would require that rights to lawful foreign policy and peaceful coexistence be protected, then it might be preferable to find ways to work within the state system, rather than against it.

Regulatory and Legal Institutions

The last site of power which Held discusses is the sphere of regulatory and legal institutions. In order for citizens to have autonomy in this area, they must be ruled fairly by law, which includes not being excluded from participating and deliberating on the creation of those laws.⁵⁷ Thus, autonomy occurs when citizens are ruled by non-democratic regimes, democratic regimes which are unduly influenced by military and economic concerns, or regimes in which participation is primarily valued from particular races and cultures. Unlike his discussion of other sites of power, Held does not make a strong argument that state governments are incapable of providing autonomy in this power site. He simply intimates that cosmopolitan institutions would do a better job than states.

To sum up, Held has argued that participants in a democratic thought experiment would reach a consensus regarding the need for people to have autonomy in seven distinct sites of power. Furthermore, Held has outlined the conditions and rights that need to be in place in order for citizens to have autonomy in each of these areas. Held argues that so long as the international state system remains, most necessary conditions and rights will be left unmet. In this section I have tried to show that states are, or could be, be more effective in protecting rights to autonomy than Held believes. Also, I have argued that Held's understanding of the consensus on rights which would be reached in his democratic thought experiment, often seems too demanding and/or controversial, and therefore his arguments are unpersuasive that

⁵⁷Ibid., pp. 185, 193.

states would not be able to meet the mandates of his democratic thought experiment.⁵⁸

HELD'S COSMOPOLITANISM

It has been my contention in this chapter that Held has failed to persuasively demonstrate that states are losing their potency as the most powerful political units, or that the need to protect citizen autonomy makes the termination of the state system democratically desirable. That said, if Held paints a compelling enough portrait of the alternative to the state system, cosmopolitan governance, then certainly his case is strengthened. In this section I will outline Held's proposals for a deliberative, democratic, and cosmopolitan world order, then critically examine his ideas.

Synopsis of Held's Cosmopolitanism

Although Held writes that many of the specific details of cosmopolitan governance would have to be decided upon in a global constitutional convention, he does give a fairly detailed account of some of cosmopolitanism's necessary elements.

⁵⁸Held also argues for cosmopolitan government based on the connection between autonomy and Kant's call for universal hospitality in *Perpetual Peace*. "Universal hospitality must involve, at the minimum, both the enjoyment of autonomy and respect for the necessary constraints on autonomy. . . . Universal hospitality is not achieved if, for economic, cultural or other reasons, the quality of the life of others is shaped and determined in near or far-off lands without their participation, agreement or consent. The conditions of universal hospitality, or, as I would rather put it, of a cosmopolitan orientation, is a cosmopolitan democratic public law." Held, pp. 228-29. I do not discuss this argument in the body of this chapter because it seems superfluous. If Held is correct in his interpretation of the need for autonomy in the seven sites of power, then the fact that it also can be connected to Kant's ideas of universal hospitality seems to add only minimal weight to the arguments persuasiveness. Moreover, Held's connection of the seven sites of power to Kant's ideas of universal hospitality, which Kant seemed to limit to allowing visitors on foreign lands without molestation, seems quite tenuous.

Held believes that the world ought to be divided into regions (continents), which would be governed by cosmopolitan authorities. Above regional governments would be universal cosmopolitan government, most likely a reformed United Nations.⁵⁹ Of course the reformation of the UN would have to be quite significant, because as it now stands the UN is an inter-state organization.

Held suggests that the UN be transformed into a cosmopolitan organization by making it a global parliament, with representatives who are *directly accountable to the people*. Of course such a change from its current structure would be quite significant, and Held recognizes that baby steps are in order. Thus, in the short-term, Held suggests that the UN create a cosmopolitan second chamber to compliment its current general assembly. Membership in this second chamber would be limited to democratic states and NGOs.⁶⁰ Of course, for this second chamber to be able to govern democratically, and for its deliberative qualities to carry meaning, it would have to be free from the undemocratic UN Security Council. As it now stands, according to Held, the Security Council simply gives more power to those states that are already powerful. Held does not want to put an end to the Security Council, however. Rather, Held suggests that it be reformed to give significant deliberative

⁵⁹This would be “above” in terms of scope, but Held envisions that in terms of authority it would not necessarily trump regional governments on all issues. Ibid. p. 272.

⁶⁰Ibid., 273, 279. The fact that Held includes agencies is interesting. It may give the structure more cosmopolitan credentials, but it is not clear how we would ever be able to figure out which NGOs should have formal power and which ought to be excluded. In a later passage Held recognizes this difficulty in the works of other scholars, but does not seem to see how it would affect his own ideas.

input and decision-making authority to the still developing areas of the world.⁶¹ Once the Security Council is more deliberative and democratic, the newly created second chamber will then have the policy space to begin to provide much needed global democratic governance. Held believes that as time passes the democratic and cosmopolitan second chamber's influence will wax, while the not-so-democratic, and state-centric, general assembly's influence wanes. Eventually, along with the state system itself, the general assembly will "wither away" as all peoples are represented by the cosmopolitan second chamber.⁶²

A reformed cosmopolitan UN would bring democratic governance to global economic and security affairs. Economic policy-making and monetary lending decisions, which are now handled by a number of independent IGOs (e.g. the WTO, IMF, World Bank, and G-7), would be united into one office that would be accountable to the global parliament.⁶³ And with concerns of stability and security, rather than relying on the willingness of member states to lend troops to its causes, under Held's plan, the reformed UN would amass a voluntary military force which would enforce UN mandates. Eventually, as its effectiveness becomes apparent, Held believes the UN military force would make nation state military forces redundant and unnecessary. Observing this, states would phase out their militaries, putting an end to

⁶¹Ibid., p. 279.

⁶²Held is not explicit on exactly how this will take place.

⁶³Ibid., 279.

the war system itself.⁶⁴

With cosmopolitan institutions of regional and universal authority, Held believes that democratic governments would then be in place from the local level to the global. Held suggests a three pronged test to determine which level of government ought to have authority over an issue, and thus prevent governmental power from being sucked upwards. The first prong tests the “extensiveness” of an issue by examining “the range of peoples within and across delimited territories who are significantly affected by a collective problem and policy question.”⁶⁵ The second prong tests the “intensity” and “assesses the degree to which the latter [collective problem and policy question] impinges on a group of people(s) and, therefore, the degree to which national, regional or global legislation or other types of intervention are justified.”⁶⁶ The final prong tests the comparative efficiency of government levels and looks at “whether any proposed national, regional or global initiative is necessary in so far as the objectives it seeks to meet cannot be realized in an adequate way by those operating at ‘lower’ levels of decision-making.”⁶⁷ Held believes that through these three tests, the appropriate level of government will be allowed to govern, and a world state avoided.

Critique of Held's Cosmopolitanism

⁶⁴Ibid..

⁶⁵Ibid., p. 236.

⁶⁶Ibid.

⁶⁷Ibid.

From the perspective of participation, deliberation, and democracy, what ought we to make of Held's vision for cosmopolitan global order? It seems that there are two problems with Held's suggestions. First, deliberative democrats are trying to figure out ways in which non-elite citizens can have greater influence on political deliberations and outcomes.⁶⁸ By instituting a cosmopolitan world order, it would seem that political elites would be even more powerful, and participation opportunities of consequence for the average citizens would become more elusive. Will Kymlicka notes that debates and deliberations in the European Parliament are generally conducted in multi-lingual fora, and that overwhelmingly political elites are the only citizens able and/or comfortable participating in political discussions in languages not their own.⁶⁹ Average citizens, even if they understand other languages, are generally only willing to debate and discuss complex issues in their native tongue. In domestic level politics this problem tends to be mitigated, often because of widespread acceptance of an official language. But even in multilingual democracies such as Spain, Belgium, Switzerland, and Canada, linguistic minorities tend to collect in specific territories, and even though state level politics may be discussed in another language, they and their representatives deliberate in the citizens' native language.⁷⁰ If inter-state representative government is replaced with more cosmopolitan structures

⁶⁸See, for example, James Fishkin. 1995. *The Voice of the People: Public Opinion and Democracy*. New Haven: Yale University Press.

⁶⁹Kymlicka 1999.

⁷⁰Ibid.

of government, it would seem that such political deliberations have the potential to become less frequent and/or less influential.

Languages difficulties are just one aspect of how regional and global parliaments might dilute the political power of average citizens. As it now stands, nation states are the primary venues of political power, which means that our world's primary source of political power is distributed across some 200 different actors. Certainly the power is not distributed evenly, yet as long as we do not focus on the weakest of the weak states, one's domestic government is still by-and-large the most important governmental actor in one's political life.⁷¹ If Held's regional and universal parliaments were implemented, rather than having hundreds of state powers to be influenced by citizens, we would only have six regional powers, and one universal government to influence.⁷²

Another concern with Held's cosmopolitan model of governance is that even if we were to decide that it would be good for our world, it is not clear how exactly we could move from a state centric system to the cosmopolitan one that he suggests. States currently have most of the power of physical coercion in our world.⁷³ Yet Held

⁷¹Even though they have never been ranked among the world's powerful states, think of the difference state governments have made in the lives of the citizens of Cuba and Puerto Rico – two countries that were similarly situated 60 years ago, yet today their citizens live under completely different economic, social, and legal environments, in large part because of their domestic governments' choices.

⁷²Moreover, as I will discuss shortly, there seems more than a slight possibility that through time the reformed UN would become a sort of world state.

⁷³Terrorist organizations and the like are indeed non-state actors that do control a fractional amount of physical power. Nonetheless, in the scheme of things

believes that the states will “wither away” and coercive physical power will primarily wielded by a reformed UN.⁷⁴ Even though Held writes that he does not expect this to happen in the short term, simply extending the time horizon is not an adequate explanation of how this would be actualized.⁷⁵ Held writes that the UN will eventually have a standing military force, and as this force demonstrates its ability to regulate international conflict, domestic states will engage in a type of reverse arms race, which will eventually lead to the end of the war system.⁷⁶

This does not seem plausible. Granted, it is not beyond the realm of possibility for the UN to raise a military force. But why would this force cause states to disarm? It would be just as reasonable to believe that such a force could have the opposite effect: states would not only continue their traditional arms races, but also engage in arms races with the increasingly powerful UN. But even this new type of arms race were avoided, it does not seem realistic (Held believes that a good theory of global governance ought to be realistic) to believe that such a force could provide

their power is minimal. September 11th 2001 demonstrated that terrorist organizations are powerful enough to cause some amount of damage to the world’s most powerful state. But the US’s role as world leader was never threatened by the attacks. Moreover, the US could have absorbed many such attacks and still have kept its government and its role as the world’s super-power in tact. And, the power of Al Quida and the Taliban government which protected it, were severely damaged in the US’s retaliatory action.

⁷⁴Held, 1999, pp. 106-09.

⁷⁵Nor does it give any type of map for political entrepreneurs willing to foster the transition.

⁷⁶Held, 1995, p. 279.

powerful states like the US or China with the confidence necessary to cut back on their military spending. For the UN force to be able to resist US military might and give China confidence in cosmopolitanism, for example, it would surely have to wield enormous military power — perhaps even include nuclear weapons.

If the UN were to create a volunteer military force that was strong enough to create global security, and states began to dismantle their militaries, what would stop the reformed UN from becoming a world state (and bringing with it all the dangers of world tyranny that were so worrisome to Kant)? Held has suggested his three pronged test to determine which level of government ought to handle specific issues and policies. Yet he also suggests that a sub-branch of the reformed UN be instituted to judge the outcome of the tests.⁷⁷ But if the reformed UN controls military power *and* is the legislative gatekeeper, then it seems that all of the important powers of government ultimately reside in the UN. Thus, even though Held does not want the reformed UN to become a world state, it is unclear how the lower levels could avoid becoming ancillary branches of the UN. And, if there is even a possibility that we could end up with world government — something which has been almost universally rejected by serious political thinkers — then perhaps it would be wise to steer clear of such cosmopolitan institutions.

CONCLUSION

Held believes that his suggestions for cosmopolitan government provide the

⁷⁷Held, pp. 235-38, 278-86.

best model for a deliberative and democratic world order. In this chapter, I have argued that Held has not persuasively shown his vision to be achievable, or desirable. In previous chapters, I have argued that Dennis Thompson and John Dryzek did not give enough credibility to the democratic governance potential of IGOs. Perhaps surprisingly, I have been critical of Held for disregarding the continued relevance of nation states and the international state system. Nevertheless, Held is rightly concerned that citizens' autonomy be protected by some form of democratic government. But the cosmopolitan order that he suggests would take many years to develop (assuming it ever could be) before it could begin to protect basic rights. At least some states, on the other hand, are already in the business of protecting rights. And, as Held himself points out, acceptance of state sovereignty is becoming more and more dependent on states' respect for human rights.⁷⁸ It does not seem unreasonable to believe that this trend will continue, and indeed evolve to the point that international law, and states themselves, will increasingly recognize that citizens have a right to participate meaningfully in *democratic* institutions and procedures: making democratic governance a prerequisite to full state sovereignty. This, of course, does not mean that IGOs are unnecessary to global democratic governance. But it does mean that to be effective, IGOs should work with state power, rather than set themselves up as alternatives to it. Whether and how this might be possible will be explored in the next, final chapter.

⁷⁸Held 1995, pp. 101-04.

Chapter 5

Conclusion

Although there has been much written about deliberative democracy and global governance, little ink has been spilt working through the implications of their union. There have been a few attempts, however. This dissertation has critically examined three of the most rigorous of such attempts, each advocating a different venue from which to anchor global deliberative democracy: Dennis Thompson advocates deliberatively reconfigured nation states; John Dryzek puts forward “discourse networks” within global civil society; and David Held suggests regional IGOs working in conjunction with a reformed United Nations.¹ Unfortunately, each theory has troubling flaws. Without compelling justification, Thompson dismisses the democratic role IGOs could play in global governance. Dryzek dismisses formal governmental institutions and never explains how to make them acceptably democratic, even though the peace and stability such institutions provide are needed to nurture his proposed “discourse networks.” And Held suggests a cosmopolitan global order without persuasively showing that the replacement of the current state system is desirable or even possible.

¹Certainly deliberative democrats often mention global concerns and implications, but in terms of articulating well developed ideas that take seriously the differences between domestic and international politics, I believe Thompson, Dryzek, and Held have the best articulated *theories* of global governance. One possible addition would be Rawls’s *Law of Peoples*. But even though a few scholars consider his work to be within the school of deliberative democracy, many consider him to be a liberal contract theorist. For a discussion, see Chambers 2003, p. 308.

Nevertheless, all three thinkers contribute to the discourse of democratic global governance. If domestic states were to become more deliberative in the way Thompson suggests, then global governance would be more democratic, fair and perhaps even more powerful. Dryzek's discourse networks could not anchor global democracy but they could buttress it. And Held is persuasive in arguing that IGO governance is needed if we are to realize global democratic order.

Can these ideas be combined into a unified theory of global governance? Prima facia it would seem not, as each theorist argues that the others' preferred venue is democratically problematic. Despite their prima facia incompatibilities, however, I will argue in this concluding chapter that they can be successfully combined. After showing that deliberative states, civil society, and IGOs could form a web of governance that would protect rights and increase democratic order, I will look at issues that need to be further addressed by deliberative democrats. Specifically, I will contend that deliberative democrats ought to take IGOs as we now find them: interstate organizations which generally meet democratic legitimacy thresholds, yet have room for deliberative and democratic improvements. I will outline some reasons for believing that deliberative political theory could inform IGO governance and conclude my dissertation by looking at the UN Security Council and discussing specific reforms that would make it more satisfactorily deliberative and democratic.

A WEB OF DEMOCRATIC GOVERNANCE

Nation states, civil society and IGOs can work together to protect basic human

rights and to increase the overall depth of democratic global governance. David Held believes that for democratic governance to be meaningful, human rights must be secured; and to do so requires that global order be cosmopolitan. This, I argue in the previous chapter, is problematic because it is not clear that states are decreasingly relevant, that cosmopolitan order could supplant the state system, or that if implemented, a cosmopolitan order would indeed better protect human rights. Nevertheless, one potential problem with an entirely state-centric approach to global governance is that many people are not well represented by their states, as government officials are sometimes focused on power and enrichment or simply govern unwisely.

This is where Held's cosmopolitan perspective would be an helpful addition to state-centric governance. Held contends that it ought not matter in which state one is born as to whether her rights are protected. The statist holds that while it is unfortunate that people are born under governments which cannot or choose not to protect their citizens' rights, such is the nature of the world we live in – and to disregard that world would make matters worse for larger numbers of people. In fact, I make this same argument in chapter four. These two positions are compatible, however.

The statist is correct that there is little compelling evidence that the state system is coming to an end and this needs to be taken into account. Yet this need not mean that human rights should not be universally protected. Rawls argues that in order for there to be moral obligations to foreign peoples, there must be a "scheme of

cooperation" between their states.² Thompson tries to expand what constitutes a scheme of cooperation to capture more people than Rawls's more limited understanding; but, as I argue in chapter two, even under a looser interpretation of what constitutes a "scheme of cooperation," those most in need of assistance and protection are least likely to live in states that cooperate with other states, and will often be left morally unconsidered.

But Rawls and Thompson are mistaken to consider only *state-to-state* schemes of cooperation. Even though states remain our most powerful political entities, IGOs have power and significance. IGOs are important in large part because states agree to participate in and bind themselves by them, making IGOs a different type of state-centric scheme of cooperation.³ More than just state-to-state trading or temporary state-to-state war alliances, IGOs are ongoing schemes of cooperation that encompass a wide array of issues and cast a long "shadow of the future."⁴ Thus, Held's cosmopolitan ideal of universally protecting human rights is in large part morally binding because of the web of state-to-IGO schemes of cooperation.⁵ And though it

²John Rawls. 1999. *Law of Peoples*. Cambridge: Harvard University Press.

³The most powerful IGOs are inter-state, rather than cosmopolitan, organizations. The EU has a significant cosmopolitan branch (the European Parliament) but even so, it is primarily a state centric organization.

⁴On the importance of the "shadow of the future," see Robert Axelrod. 1984. *The Evolution of Cooperation*. New York: Basic Books.

⁵For a discussion of how cooperation creates obligations, see Charles Beitz. 1979. *Political Theory and International Relations*. Princeton: Princeton University Press.

may seem that rogue states might slip through the cracks – as their governments do not participate in the WTO, do not accept aid from the IMF or do not comply with many tenets of international law, for example – they do participate in the largest and arguably the most influential IGO scheme of cooperation, the United Nations.

Consider North Korea. Few, if any, states have been more isolated than North Korea in recent times, yet it is a UN member-state. Moreover, other states — including South Korea, Japan, China, and the US — have negotiated with North Korea in attempt to stop it from advancing its nuclear weapons program.⁶ Held contends that security issues extend beyond state borders because modern weapons make the whole world insecure.⁷ This is true, but the conclusion one should draw from this is not that states are becoming irrelevant, as Held thinks, but that in order to maintain peace, states have to cooperate. Part of that comes through direct negotiations which create schemes of cooperation – and part comes through organizations like the UN, which is another type of cooperative scheme. Therefore, if North Korea, arguably the most politically isolated state in our world, participates in schemes of cooperation, then it is likely that people of all states will be morally considered through various state-centric schemes of cooperation – fulfilling the cosmopolitan mandate in a state-centric world.

Schemes of cooperation not only create obligations for powerful states to assist poor states (and their citizens), but they also weaken the arguments of rogue

⁶The US has even used food aid as leverage.

⁷Held 1999, p. 102.

states, which assert that actions within their borders are only their concern. Powerful states (and their citizens) may compellingly claim that they have a moral obligations to protect the human rights of all peoples, including rogue states' citizens. If a state lets its citizens starve, lets them be enslaved or allows the genital mutilation of its women, the fact that it chooses not fulfill its moral obligation towards its own citizens does not invalidate others' obligations; and the unjust state would not have a right to thwart efforts to secure human rights without a morally compelling reason for doing so. The Westphalian ideal of sovereignty has never been, and never should have been, respected absolutely, thus it would be problematic for a rogue state to assert a right to abuse its citizens on the basis that Westphalian sovereignty has always been, or should be, respected.⁸ And even if a rogue state could do so with some legitimacy, other moral considerations would surely outweigh such claims.

Not only do we need IGOs to govern trans-territorial problems, but we also need them to unify the world morally by increasing the chances that human rights will be widely respected. Global civil society could play a critical role here by making certain that these moral obligations are widely recognized and by pressuring governments to fulfill their domestic and foreign obligations. Thus, states, IGOs and global civil society can work together to protect basic human rights, which, as Held argues, is the foundation of democratic global order.

But is the hope that states, IGOs and global civil society will work together to deepen global democratic governance merely "pie in the sky"? I believe not, as there

⁸See Krasner 1999.

are a handful of actions that could reasonably be taken to facilitate such an order.

First, state level democratic, deliberative and transparent institutions ought to be encouraged. As our world's most powerful political institutions become more deeply democratic, the overall level of democratic governance in the world should increase. Encouragement for states to democratize should come from all three venues of democratic governance discussed in this dissertation. Since the end of the Cold War, and especially since 9/11, powerful democratic states are not only aware of their *moral obligations* to promote democratic institutions in other states, but are increasingly aware of their *self-interest* in promoting democracy (and the economic growth that sustains it).

In addition, IGOs can also influence states to become more democratic. This is illustrated well by the EU, which requires democratic domestic institutions in order to gain membership, thereby encouraging democratic institutions for states that wish to become members and solidifying the democratic commitments of current member-states. This does not mean that all IGOs should require democratic institutions for states to gain or maintain membership, however, as in some instances to do so would detract from an IGO's governance mandate. But it does mean that IGOs should think of ways they can use incentives (and punishments?) to encourage states to become more deeply democratic, without distracting from their institution's overarching purpose. Although the IMF and World Bank are often maligned for some of their loan conditionality requirements, their recent requirements of governmental transparency is a good example of how an IGO can encourage democratic changes

without compromising its governance mandate.

Moreover, the pressure for states to democratize need not always be *directly* vertical (from IGOs onto states) or horizontal (state-to-state). There should be a triangular democratizing relationship between states and IGOs. Democratic states should pressure IGOs to do what they can to make states more democratic. And IGOs should use their leverage to encourage democratic states to apply horizontal democratizing pressures. And, of course, IGOs themselves should become more deeply democratic. As with states, the pressure to make these changes should be multidirectional: it should come from within,⁹ from other IGOs,¹⁰ and from democratic member-states. As states and IGOs become more democratic, increased institutional legitimacy will also flow multidirectionally. As states become more democratic, their voice and votes in IGOs will be more democratically representative, which should increase our confidence that IGO actions are democratic. Likewise, as IGOs become more deeply democratic, so do the democratic states which choose to be bound by their mandates.

Of course, all of this democratic deepening would be more likely to take place if global civil society were “setting the table” by creating a facilitating environment. One way to do this would be by holding governmental institutions responsible for

⁹An example of this is the EU continuing to have an internal dialog as to how it could deepen its democracy.

¹⁰Although I am not aware of formal hearings, leadership in the World Bank has been critical of the democratic accountability of the IMF, for example. See Stiglitz 2002.

articulating the steps they are willing to take to deepen their democracy and using the power of publicity to give positive and negative reinforcement. In doing so, civil society actors should be constructive and not simply label all powerful IGO as being hopelessly undemocratic, as this misses important democratic distinctions. The WTO operates much differently than the World Bank, which operates differently from the IMF, for example.¹¹ Civil society thinkers and actors need to move beyond the politics of blame and focus our governance discourse on how states and IGOs could realistically make themselves more deliberative and democratic.

In the past, positive changes have come about from the type of civil society pressure and constructive criticism that I am advocating. The World Bank was widely criticized in the public sphere for not taking advantage of local knowledge and NGO expertise, for example. The democratic shortcomings were outlined, the solution articulated, and without formal legislation from powerful states or other IGOs, the World Bank made positive, democratic changes. With regards to the much maligned WTO, it seems that civil society actors ought to follow a similar path, rather than wishing that the organization would simply go away.¹² The WTO's consensus voting

¹¹Some argue that they are similar in that they are all controlled by wealthy, powerful states. And to some extent this may be true. But even so, there are reasons to believe that these organizations are not liabilities to global democratic governance. See chapters two and three.

¹²Those scholars who believe that the WTO should go away need to do a better job of explaining how it would be possible to make it disband. If there is no way to make the WTO disband, then scholars should take account of its presence into their theories, in much the same way that the presence of nuclear weapons should be recognized rather than wished away.

procedure is not inherently undemocratic, yet because it gives so much weight to the status quo, adopting a different voting procedure would likely be a democratic improvement, for example. Clearly and forcefully articulating the type of voting procedure that would be preferable and the ethical and practical reasons why the WTO and its member-states should want such a change would be one of the many important contributions that global civil society could make towards improving democratic global governance.

States, IGOs and global civil society could work together to form a web of global democratic governance. Not only should each venue serve as a democratic watchdog of the others, but they should work together to form a positive spiral of support on issues such as universal respect for human rights and increasing the depth of democratic representation. Of states, IGOs and global civil society, IGOs have been the most under-appreciated by scholars of deliberative democracy. This is not to say they have gone unconsidered. Thompson, Dryzek and Held all examine IGOs, for example. But each believes that as we now find them, IGOs cannot make a significant contribution to democratic governance. Even Held, who anchors his theory of democratic global governance on IGOs, believes they need to be revolutionized into cosmopolitan organizations before they can provide beneficial democratic governance. I have argued in this dissertation that this view is mistaken, and I believe that once recognized as such, deliberative democrats should guide the discourse of global governance by articulating how IGOs could make realistic (rather than revolutionary) changes to provide more justifiable and efficacious governance.

DELIBERATIVE DEMOCRATIC THEORY AND IGO GOVERNANCE

There are many ways that deliberative democracy could inform IGO governance and in this concluding chapter I will not be able to exhaustively explore the topic. I will make some preliminary arguments to give direction to future scholarship, however. I will begin by outlining some basic reasons to believe that making IGOs more deliberative could be expected to improve their governance.¹³ After arguing in the abstract that ideas of deliberative democracy could benefit IGO governance, I will conclude the dissertation by looking at the types of concrete reforms deliberative theory would suggest for a real world IGO, the much maligned UN Security Council.

Why Deliberative IGOs?

Increasing the quality of deliberation in IGOs would provide decision-makers with more information by allowing their members to hear ideas and facts to which they otherwise would not have been exposed. Within non-deliberative political institutions, it would be difficult, perhaps impossible, for decision-makers to surmise accurately the perspectives of other individuals and groups.¹⁴ Moreover, non-

¹³I follow the argumentative strategy of Thompson. Thompson does not argue that domestic states are thoroughly undemocratic and ought not be obeyed. Nor does he argue that no quality deliberation takes place within their current decision making structures. Rather, he accepts states' entrenched place in our political world, yet shows how deliberatively reforming state institutions would deepen their legitimacy.

¹⁴Even if experts were brought in to inform decision-makers of the interests and perspectives of relevant individuals and groups, it seems mistaken to think officials could know as much about peoples' thoughts as they do. See Jurgen Habermas. 1999. *Moral Consciousness and Communicative Action*. Transl. Christian Lenhardt and Shierry Weber Nicholsen. Cambridge: MIT Press, p.67.

deliberative institutions filter out information before it reaches decision-makers. It is often left to bureaucrats and “experts” to decide which information is superfluous, without the opportunity for those affected to discuss the merits with decision-makers.¹⁵ The International Monetary Fund of the 1970s and 1980s had a more-or-less “one size fits all” set of austerity policies that economically troubled states were required to implement in order to receive much needed loans, for example. Recipient states and third-party observers often complained that if the IMF would have listened to local knowledge, rather than relying solely on their economists, an efficacious and humane set of context sensitive policies would have done much more to aid troubled states.¹⁶

One objection to deliberative democracy is that it is impossible to actually have a meaningful deliberation in which each perspective is fairly represented and

¹⁵Of course loosening the filter mechanism would also lead to time spent listening to information that truly is superfluous, thereby slowing down the political process. But it seems intuitive that aside from certain types of emergency situations, better informed decisions ought to be generally preferred over less informed, although quicker, ones. That said, however, there are trade-offs between informing the decision-making process and conserving scarce resources (time and money). Even when not in an emergency situation, we would not want our deliberative institutions to debate for weeks on end proposals that all agree are of little significance. Although I do not explore thresholds for determining when deliberation should be cut off and a vote taken, it does not seem overly controversial that we ought to be willing to expend reasonable amounts of time and money in order to facilitate better informed decisions.

¹⁶This is not to say that the troubled states would have been better off being left alone. But I am contending that a more deliberative approach to economic assistance would have likely led to better results. Indeed, the IMF does seem to be showing more sensitivity to context in its loan conditions, although many critics remain unimpressed. See Joseph Stiglitz 2002; Noam Chomsky. 1999. *Profit Over People: Neoliberalism and Global Order*. New York: Seven Stories Press.

authentically heard, once one goes beyond a small community.¹⁷ Clearly, as Habermas recognizes, the “ideal speech situation” is pragmatically impossible.¹⁸ Nevertheless, political institutions can move towards deliberative ideals. Within domestic political institutions, political parties often represent different perspectives, for example. Granted, the deliberation which takes place between members of different political parties does not provide as many perspectives as would Habermas’s ideal speech situation, but political parties are still a useful deliberative tool which allows access to information and knowledge that would otherwise go unconsidered.¹⁹

If deliberation is less than ideal within domestic political institutions, then one might assume that it becomes even less ideal as it moves to the international level. There is reason to believe that IGOs have *the potential* to come closer to the deliberative ideal, with regards to diversity of perspectives, than domestic institutions, however. The deliberative costs of domestic political parties (such as their tendency to minimize internal dissension) are generally outweighed by the deliberative benefits their presence provides.²⁰ Where domestic political institutions rely on political parties to facilitate debate and discussion, IGOs rely on state representatives. Because IGOs tend to have more member states than domestic governments have political parties, there is reason to believe that IGO deliberations should be characterized by

¹⁷See Dahl 2000.

¹⁸See Chambers 1996, p. 156.

¹⁹ See Manin 1987, pp. 357-359.

²⁰Ibid.

more independent perspectives than domestic political deliberations. This is not to say that there are no voting alliances within international institutions. Nevertheless, international "voting blocs" tend to be less hierarchical than domestic political parties.²¹ Thus, if one is persuaded that the use of political parties does not preclude states from the epistemic benefits of deliberation, then one ought to be persuaded that IGOs could also realize the epistemic benefits of increased and/or higher quality deliberation.

Reforming IGOs to make them more deliberative could also be expected to better inform their member states' priorities. Despite assumptions made by some social contract and rational choice theorists, preferences can change:²² "During political deliberation, individuals acquire new perspectives not only with respect to possible solutions, but also with respect to their own preferences."²³ That said, there is a difference between asserting that persons may change their preference orderings and asserting that states may do so. Historically, the international relations literature has often assumed that states prioritize power and wealth above all else.²⁴ It ought not

²¹See Werner Field and Robert Jordan. 1994. *International Organizations: A Comparative Approach*. London: Praeger, pp. 148-150.

²²Both Rousseau and Rawls make assumptions regarding the stability of preference orderings. See Manin 1987, p. 351. For a case study on how the preferences of anglophones and francophones in Quebec were modified through discourse, see chapter 14 in Chambers's, *Reasonable Democracy*.

²³Manin 1987, p.350.

²⁴See Hans Morgenthau. 1973. *Politics Among Nations*. New York: Knopf; Waltz 1979.

be assumed that these preferences would not be modified if states are given compelling reasons for doing so, however.²⁵ If it could be persuasively argued that environmental problems are dire enough that immediate ecological cooperation is needed, for example, then a state that entered the deliberation seeking to promote its economic growth might rationally modify (not necessarily abandon) that preference.

In fact, most developed states have taken actions to reduce their carbon dioxide and other green house gasses production despite the economic costs. President Bush declared that the United States would not adhere to the Kyoto Protocol due to a domestic “energy crisis.” This declaration illustrates that it may take the perception of a crisis for a state to fall back into a “wealth and power at all costs” position, however. A skeptic might say that Bush was simply looking for an excuse not to pay the economic costs of protecting the environment. But even if this is true of Bush and the US, the fact that many other states continue to forgo the economic benefits of polluting the environment shows that Bush’s position is the exception among developed states. This in turn strongly suggests that we ought take into consideration the potential epistemic benefits of preference-informing deliberative IGO fora.

Reforming the Security Council

By making IGOs more deliberative, more perspectives would be heard, better informed policies crafted and member states would be held accountable for their preferences and actions. But beyond abstract musings, what types of concrete

²⁵See Wendt 1999, pp. 92-138.

changes are needed? Of course, it is outside the scope of this dissertation to examine all important IGOs and suggest reforms. Nevertheless, I will suggest a few concrete reforms for the UN Security Council to illustrate how an IGO could take steps towards deliberative and democratic ideals, and to show that such improvements need not go against powerful member-states' interests.²⁶

The Security Council has five permanent members – the US, Britain, France, Russia, and China – and ten members elected to two-year terms by the General Assembly. Nine of the fifteen members must vote in the affirmative for the Council to pass policy. On substantive (as opposed to procedural) votes, none of the five permanent members can cast votes in opposition to a proposal for it to pass. This gives each permanent member a veto over all substantive resolutions.

There are three important ways in which the Security Council falls short of democratic and deliberative ideals. First, it falls short in terms of representation. The mission of the Security Council is to govern security issues throughout the world, yet the vast majority of states are without permanent membership. Second, the voting procedure falls short of the democratic ideal of “one member/one vote,” as permanent members' veto gives them much greater influence over outcomes than that of two-year temporary members.²⁷ And third, Security Council deliberations are less than

²⁶Note that these suggestions are meant to be illustrative, and not an exhaustive list of possible Security Council improvements.

²⁷Despite the power differential, there is stiff competition among states to get temporary Security Council seats. See David Malone. 2000. *Eyes on the Prize: The Quest for Nonpermanent Seats on the UN Security Council*. *Global Governance*. 6: pp. 3-23.

ideal: the problems of representation and voting mean that permanent members' voices are greatly amplified and likely to be considered more carefully than temporary members', decreasing the odds that the "force of the better argument" will win the day.

Despite these imperfections, I do not think the Security Council has an obligation to reform itself radically. In order for the Council to have an obligation to make radical changes, it would have to be shown that the Council is exercising *illegitimate* power, something which has not been persuasively done.²⁸ Moreover, if power were taken from the permanent members – enough for the change to be considered "radical" – overall democratic governance would likely suffer even though Council procedures move closer to ideal. If the Security Council were to give its powers over to the more democratic General Assembly, for example, Council powers would likely be drastically diminished, as current permanent member-states would have less incentive to lend their prodigious influence to support policies they had little role in crafting. Thus, whatever amount of democratic control over Hobbesian (or perhaps Lockean)²⁹ international anarchy that the Security Council has achieved would be diminished or lost altogether, harming the overall project of democratic governance. Surely the most perfectly democratic and deliberative Security Council would be of trivial significance if it lacked the power to influence,

²⁸See chapters two and three.

²⁹For a discussion of the differences between Hobbesian and Lockean international anarchy, see Wendt 1999.

coerce, or in other ways order our world.

Though radical changes do not appear to be required, there are normative and practical reasons for permanent members to take steps towards making the Security Council a more deliberative and democratic institution. Four of the five permanent members have democratic domestic institutions and therefore have a normative interest in making their states' international venues of participation, such as the Security Council, more democratic. But even if states are primarily concerned with power in the international arena, there is still reason for permanent members to make the Security Council more deliberative and democratic.

IGOs are not set up as ends in and of themselves. IGOs are instituted to provide order and control over aspects of international relations, often benefitting powerful states by lessening the chance that chaotic relations will alter current power distributions.³⁰ Thus, if democratic and deliberative reforms could help the Security Council better order global security affairs, as I will argue, then there are self-interest incentives for permanent members to give up some of their Security Council control (although, probably not a large portion). In the mid 1990s, for example, the United States demonstrated a willingness to lessen the relative power of its veto by supporting the UN Interaction Council's recommendation that Germany and Japan be

³⁰There are many traditions in International Relations thought which believe this: neo-liberal institutionalism, hegemonic stability theory and long cycle theory, for example.

given permanent membership.³¹ In fact, when, in 1992, the General Assembly placed on its agenda the "Question of equitable representation on and increase in the membership of the Security Council," the US, France, and Britain all went on record supporting the expansion of permanent membership, and China and Russia supported membership expansion without specifying their position with regards to permanent membership.³²

Permanent membership on the Security Council ought to be expanded, as doing so would benefit democratic global governance in four important ways. First, permanent membership on the Council is far from the democratic ideal of one state/one vote and an expansion of permanent membership would move the Council closer to that ideal. Even though the Interaction Council's recommendation of adding Japan and Germany as permanent members would have only been an increase of two permanent member-states, that still would have been a forty percent increase in the number of states with veto power, representing a significant democratic step. Second, if new permanent member states are democracies, then their addition to the Council will increase the relative influence of democratic states and thereby add to the overall amount of democratic global governance. Third, by increasing the number of states with permanent membership, there would be greater diversity of perspectives

³¹Madeline K. Albright. 2003. Why the United Nations is Indispensable. *Foreign Policy*. September/October: 16-24; *Interaction Council, Report on the Conclusions and Recommendations by a High-Level Group on the Future of the Global Multilateral Organisations*, The Hague: Interaction Council. 1994. p. 8.

³²See Bruce Russett, Barry O'Neill, and James Sutterlin. 1996. Breaking the Security Council Restructuring Logjam. *Global Governance*. 2: 65-80.

represented in Security Council discourse, moving the Council closer to deliberative ideals. And fourth, there are states which play important roles in global security affairs which are without permanent membership. Giving at least some of these states permanent membership on the Security Council, and thereby adding their influence to Security Council decisions, should make the Council better able to provide democratic order within international anarchy.³³

What criteria should be considered in choosing new permanent member-states? As it is an assumption of this dissertation that we are interested in *democratic* global governance, it seems that a logical first requirement would be that new permanent member-states are democracies. Once a list of democratic states has been compiled, there are three further considerations that should be weighed in order to rank the states. First, states with larger populations should be preferred over smaller states, as they have a greater democratic claim to the power of permanent membership, *ceteris paribus*, than states that represent fewer people.

Second, how potential member-states might add diversity to Security Council discourse ought to be considered. Even though this criterion might be criticized as being overly subjective, how a state could add to Security Council diversity is worth considering. When discussing domestic institutions, deliberative democrats almost unanimously agree that though no two people are the same, adding the perspectives of under-represented genders, races, or economic backgrounds to political discourse

³³This final conclusion, that democratic order would be increased, assumes that additional permanent member-states would be democracies.

enriches the quality of deliberation. Likewise, though no two states are the same, it would seem that adding a state from an unrepresented continent, that has a different religious or cultural heritage, or a state that has unique security concerns, would enrich Security Council discourse and deliberation.

Along with population size and diversity, the economic and military power of the potential new member-states ought to be considered.³⁴ The core purpose of the Security Council is not to be a beacon of democracy, but rather to bring order to international anarchy. The more power that new member-states bring to the Security Council, the more likely that the Council will have the influence to enforce its mandates. Furthermore, because the Security Council often deals with highly contentious issues, intra-council coercion is not unheard of. If new member-states are relatively powerful, then they should be in a better position to resist political arm twisting, increasing the odds that the better argument carries the day.

When ranking states, how much relative weight should be given to each of these three considerations? This question would certainly have to be debated in actual UN Security Council and General Assembly deliberations but, that said, all three criteria are critical to deliberative and democratic order. The population consideration is important to democratic representation. Diversity of perspectives is important to the quality of Security Council deliberations. And power is important to providing order. Since we are interested in all three, then perhaps it would be most

³⁴Michael Glennon has a well written essay on the importance of considering how state power plays a role in Security Council dynamics. Michael Glennon. 2003. Why the Security Council Has Failed. *Foreign Affairs*. 82 (3): 16-36.

prudent to give each consideration equal weight. Although I certainly do not want to preclude actual deliberations, given these criteria it would seem that India, South Africa, Brazil, Japan, and Turkey might each have compelling cases for being selected to fill any new permanent member seats.

If I am correct that in order to improve the democratic governance of the Security Council, the Council should expand the number of permanent seats (according to criteria outlined above), then exactly how many seats should be added? We ought to try to move as close to deliberative and democratic ideals as possible given the limitations imposed by the interests of current permanent member-states.³⁵ The Interaction Council's recommendation of adding two states, Germany and Japan, looks to have been too ambitious, as it failed to be accepted.³⁶ If adding two seats is too ambitious, and maintaining the status quo is deliberatively and democratically unsatisfactory, then this leaves us with adding one permanent member-seat.

Although any movement towards deliberative and democratic ideals (that does not compromise the Security Council's effectiveness) is better than nothing, adding only one seat seems a disappointingly modest move. If that one seat were to be shared, however, then perhaps quite significant deliberative and democratic improvements could flow from the relatively modest reform. I suggest that four states

³⁵A charter amendment is necessary to expand the permanent membership on the Security Council and, according the Article 108 of the UN constitution, amendment requires the formal consent of all the veto powers.

³⁶Or, it could be that two new seats was not overly ambitious, rather it was the choice of states that was problematic. It is hard to imagine two other states that would have "sealed the deal," however.

initiatives to pass. In essence, this would give each of the original permanent members, and the new permanent member in its six month rotation, half of a veto, alleviating concerns that a new member would use its term to grind Council actions to a halt (as the Soviet Union did during the Cold War). Furthermore, this change would give incentive for original permanent members to have sincere discourse with new permanent members, as they may need their vote to get around a dissenting permanent member. And a dissenting original permanent member would also have incentive to have sincere discourse with the new member, as its vote would be needed to block proposed policy. Moreover, the "shadow of the future" would give original permanent member-states incentive to discursively engage new member-states which are not currently holding the veto power (or, more precisely, half-veto power), as their six month stints are never more than a year and a half away.³⁸

These changes in representation and voting would not only increase the quality of deliberation and the scope of democratic representation, but would likely

³⁸Of course, a skeptic might respond that "sincere discourse" would be limited to strategic bargaining. I do not think this would be the case, however. Thomas Risse is persuasive in claiming that when state representatives engage in deliberation (or simply argue) over policy outcomes, significant changes in policy positions – beyond what can be explained by strategic bargaining – can occur. For example, strategic bargaining alone cannot explain the final negotiated settlement ending the Cold War, nor can it explain many of the policy changes of state governments accused of human rights violations; Thomas Risse. 2000. "Let's Argue!": Communicative Action in World Politics. *International Organization*. 54 (1): 1-39. See also Friedrich Kratochwil. 1989. *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge: Cambridge University Press; Nicholas Onuf. 1989. *World of Our Making: Rules and Rule in Social Theory and International Relations*. Columbia: University of South Carolina Press; and Wendt 1999.

improve Security Council efficacy due to increased perceptions of legitimacy, better informed policies, and because voting procedure changes would allow the Council to act more often. Moreover, given that five of the six vetoes would be wielded by democratic states, enough to pass substantive initiatives, these changes should increase the overall level of democratic global governance.

Some might object that these proposed changes are too modest.³⁹ I disagree. But so long as calls for more ambitious reforms consider how they would affect the Security Council's ability to govern, which means taking into consideration the self-interest of permanent members, then such proposals would be a welcome contribution to the discourse of democratic global governance. As it stands, unfortunately, proposals for Security Council reforms by democratic theorists are too often simply wish lists. Danielle Archibugi, for example, writes that permanent members' vetoes should be abolished, while civil society actors and regional organizations (such as the EU) should be given Security Council seats and votes. Yet Archibugi never addresses how taking away Security Council influence from our world's most powerful states

³⁹In fact, by not discussing certain aspects of potential reform, it is not even a complete proposal. For example, I did not discuss whether the six new permanent members should take the seats of six of the two year members (reducing the number of temporary members elected by the General Assembly from ten to four), or whether the General Assembly should continue to vote in ten members, increasing the total number of Security Council states from 15 to 21. Or, should the difference be split and the General Assembly select eight, two-year members? (My inclination is that splitting the difference would be the best.) Regardless, I believe that the changes I have suggested would be a marked improvement, as deliberation, democratic representation and the efficacy of the Security Council would all likely be improved. Moreover, the suggestions I have outlined are meant to be illustrative and not exhaustive.

might affect those states' willingness to support Council decisions, or how the Council could provide order without the cooperation of powerful states, or even how such changes would come about if current veto states resisted such reforms.⁴⁰

As theorists and philosophers think about potential deliberative and democratic reforms for the Security Council, they ought not create a false dichotomy between democratic ideals and power politics. Rather, they ought to be thinking of how to maximize democratic reforms in light of the states' powers and interests. If this is done, then perhaps more novel suggestions – such as this chapter's proposal to have states share veto power – will inform the civil society discourse on how to deepen democratic global governance. As global civil society discourse becomes more applicable to our all too real world, then perhaps greater pressure can be brought to bear on the UN, the Security Council, and the Council's permanent member states, to take reasonable steps towards deliberative and democratic ideals.

CONCLUSION

Given the many problems of today's world, there are compelling reasons to seek global governance. If we believe that governmental power should be exercised democratically, then we should, of course, be interested in how to best provide *democratic* global governance. As recent democratic political theory has taken a

⁴⁰Daniele Archibugi. 1998. Principles of Cosmopolitan Democracy. In *Re-imagining Political Community*. Eds. Archibugi, Held, and Kohler. Stanford: Stanford University Press. David Held is guilty of the same oversights in *Democracy and the Global Order*.

“deliberative turn,” political thinkers ought to explore how ideas of *deliberative* democracy can inform our search for democratic global governance. In this dissertation I critically examined three deliberative democrats’ theories of global democracy, each focusing on a different venue of governance. I argued throughout that each scholar’s theory positively contributes to the discourse of global governance, yet each suffers by not fully considering other potential venues of governance. In this final chapter, I have tried to show that domestic states, global civil society and IGOs can work together to provide deliberative and democratic global governance. Yet even though combining the three venues provides a more compelling framework for deliberative and democratic global governance, much work remains for democratic thinkers.

There are four areas that deliberative democrats should address in future scholarship on global governance. First, deliberative democrats need to flesh out exactly how different venues of democratic governance can work together. In this chapter I have provided a brief argument to show that such cooperation is possible and would be profitable. Nevertheless, details of their interactions need to be explored further. I suggested, for example, that global civil society should play one of two roles; it can be a watch dog that uses the power of publicity to hold formal governmental organizations accountable, and it can be an ideas generator in which “discourse networks” form to figure out how best to address particular problems. But perhaps there are other ways for global civil society to contribute to democratic global governance. And likely there are other profitable ways for states and IGOs to

cooperate with each other, and with global civil society, that have not been considered.

The second issue that future scholarship of deliberative democracy ought to address is the distinction between an institution falling short of democratic ideals and an institution being democratically illegitimate. One possible reason that there has not been more written by deliberative democrats on the potential for cooperation between states, IGOs, and global civil society is that the word “undemocratic” has often been used imprecisely, causing scholars to prematurely disregard the democratic potential of various institutions. Certainly, as democrats, we ought to want undemocratic institutions to be revolutionized into democratic ones. Nevertheless, simply pointing out that there are aspects of an institution which fall short, perhaps well short, of democratic ideals does not mean that the institution is illegitimate and in need of revolution. Future research needs to develop a better understanding of “democratic thresholds.” When ought an institution be considered a legitimate democratic organization, and when ought we say that it is undemocratic? As scholars begin to answer this question, they also need to be aware of how democratic thresholds might differ between the contexts of states, IGOs, and global civil society. Developing a better understanding of democratic thresholds does not mean that the work of showing how institutions fall short of democratic and deliberative ideals ought to come to a halt, however, as it is important to be aware that institutions which meet democratic thresholds still should take steps towards deliberative and democratic ideals.

Closely related to the need to explore democratic thresholds in all venues of governance, is the need for future scholarship to pay greater attention to IGOs. The role of the judiciary, the necessity of basic rights for citizens, the parameters of appropriate speech in legislative argumentation, fair representation, and the duties of citizens, to name but a few areas of *domestic* governance, have all been extensively explored by scholars of deliberative democracy. This same level of attention, or at least something close to it, needs to be given to IGO governance. IGOs are playing an ever more important role in global governance. Yet, there are numerous areas basic to IGO governance – such as states' rights in and duties to IGOs, appropriate and inappropriate exclusion of non-democratic states from IGO membership, and the way that different voting procedures affect the quality of IGO discourse and deliberation – which have, at best, received only superficial attention. If the “deliberative turn” in democratic scholarship is to last in an era of increasing globalization, then deliberative democrats need to do a better job informing our judgements of IGO governance.

Finally, and perhaps most importantly, as deliberative democrats put forward ideas of global governance they need to begin their theories with the world as we find it. When outlining the need for change, deliberative democrats often acknowledge the world as it is, but once they begin to develop their theories, it seems that the world is suddenly well down the road to change, without explanation as to how it got there. How does the WTO come to an end? How did we decide which civil society groups would get a seat on the Security Council? Why did powerful states cede their power

to regional organizations? Certainly it worth discussing whether these and other proposed changes are desirable, but whether they are possible also needs to be addressed. Our world faces very real problems: widespread famine, children dying from readily preventable diseases, environmental degradation, and terrorism, to name but a few. We simply are not in a position to neglect governance until perfectly ideal sources of order can be achieved. Certainly there is a place in deliberative political theory for utopian thought. But for those whose basic rights are unprotected and unmet, the most helpful contributions will come from thinkers who not only show us the ideal, but explain how states, civil society, and IGOs can take real steps towards creating a better world.

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